HOUSE JOINT RESOLUTION NO. 112

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE INGLE.

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Section 32 of Article I
  of the Constitution of Missouri, and adopting one new section in lieu thereof relating
  to the right to bring a civil action by crime victims.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2024, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to Article I of the Constitution of the state of
5 Missouri:

Section A. Section 32, Article I, Constitution of Missouri, is repealed and one new
2 section adopted in lieu thereof, to be known as Section 32, to read as follows:

Section 32. 1. Crime victims, as defined by law, shall have the following rights, as
2 defined by law:
3   (1) The right to be present at all criminal justice proceedings at which the defendant
4 has such right, including juvenile proceedings where the offense would have been a felony if
5 committed by an adult;
6   (2) Upon request of the victim, the right to be informed of and heard at guilty pleas,
7 bail hearings, sentencings, probation revocation hearings, and parole hearings, unless in the
8 determination of the court the interests of justice require otherwise;
9   (3) The right to be informed of trials and preliminary hearings;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is
intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10   (4) The right to restitution, which shall be enforceable in the same manner as any
11 other civil cause of action, or as otherwise provided by law;

12   (5) The right to the speedy disposition and appellate review of their cases, provided
13 that nothing in this subdivision shall prevent the defendant from having sufficient time to
14 prepare his defense;

15   (6) The right to reasonable protection from the defendant or any person acting on
16 behalf of the defendant;

17   (7) The right to information concerning the escape of an accused from custody or
18 confinement, the defendant's release and scheduling of the defendant's release from
19 incarceration; [and]

20   (8) The right to information about how the criminal justice system works, the rights
21 and the availability of services, and upon request of the victim the right to information about
22 the crime; and

23   **(9) The right to bring a civil cause of action against the defendant or any other**
24 **person or entity who caused or contributed to cause the injury to the victim during a**
25 **time frame no shorter than the time frame under which a criminal case may have been**
26 **brought for the same conduct.**

27   2. Notwithstanding section 20 of article I of this Constitution, upon a showing that the
28 defendant poses a danger to a crime victim, the community, or any other person, the court
29 may deny bail or may impose special conditions which the defendant and surety must
30 guarantee.

31   3. Nothing in this section shall be construed as creating a cause of action for money
32 damages against the state, a county, a municipality, or any of the agencies, instrumentalities,
33 or employees provided that the General Assembly may, by statutory enactment, reverse,
34 modify, or supercede any judicial decision or rule arising from any cause of action brought
35 pursuant to this section.

36   4. Nothing in this section shall be construed to authorize a court to set aside or to void
37 a finding of guilt, or an acceptance of a plea of guilty in any criminal case.

38   5. The general assembly shall have power to enforce this section by appropriate
39 legislation.

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