SENATE JOINT RESOLUTION NO. 57

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

4132S.01I   KRISTINA MARTIN, Secretary

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 Senate, the House of Representatives concurring therein:

That at the next general election to be held in the

2   state of Missouri, on Tuesday next following the first Monday

3   in November, 2024, or at a special election to be called by

4   the governor for that purpose, there is hereby submitted to

5   the qualified voters of this state, for adoption or

6   rejection, the following amendment to article I of the

7   Constitution of the state of Missouri:

Section A.   Section 32, article I, Constitution of

2   Missouri, is repealed and one new section adopted in lieu

3   thereof, to be known as section 32, to read as follows:

Section 32. 1. Crime victims, as defined by law,

2   shall have the following rights, as defined by law:

3   (1) The right to be present at all criminal justice

4   proceedings at which the defendant has such right, including

5   juvenile proceedings where the offense would have been a

6   felony if committed by an adult;

7   (2) Upon request of the victim, the right to be

8   informed of and heard at guilty pleas, bail hearings,

9   sentencings, probation revocation hearings, and parole

10   hearings, unless in the determination of the court the

11   interests of justice require otherwise;

12   (3) The right to be informed of trials and preliminary

13   hearings;

14   (4) The right to restitution, which shall be

15   enforceable in the same manner as any other civil cause of

16   action, or as otherwise provided by law;

17   (5) The right to the speedy disposition and appellate

18   review of their cases, provided that nothing in this

19   subdivision shall prevent the defendant from having

20   sufficient time to prepare his defense;

21   (6) The right to reasonable protection from the

22   defendant or any person acting on behalf of the defendant;

23   (7) The right to information concerning the escape of

24   an accused from custody or confinement, the defendant's

25   release and scheduling of the defendant's release from

26   incarceration; **[**and**]**

27   (8) The right to information about how the criminal

28   justice system works, the rights and the availability of

29   services, and upon request of the victim the right to

30   information about the crime; **and**

31   **(9) The right to bring a civil cause of action against**

32   **the defendant or any other person or entity who caused or**

33   **contributed to cause the injury to the victim during a time**

34   **frame no shorter than the time frame under which a criminal**

35   **case may have been brought for the same conduct.**

36   2. Notwithstanding section 20 of article I of this

37   Constitution, upon a showing that the defendant poses a

38   danger to a crime victim, the community, or any other

39   person, the court may deny bail or may impose special

40   conditions which the defendant and surety must guarantee.

41   3.   Nothing in this section shall be construed as
42 creating a cause of action for money damages against the
43 state, a county, a municipality, or any of the agencies,
44 instrumentalities, or employees provided that the General
45 Assembly may, by statutory enactment, reverse, modify, or
46 supercede any judicial decision or rule arising from any
47 cause of action brought pursuant to this section.
48   4.   Nothing in this section shall be construed to
49 authorize a court to set aside or to void a finding of
50 guilt, or an acceptance of a plea of guilty in any criminal
51 case.
52   5.   The general assembly shall have power to enforce
53 this section by appropriate legislation.

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