A JOINT RESOLUTION

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for rights of victims of crime.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That Article I be amended by adding a section to read:


(a) To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, as further provided and as defined by the General Assembly, which shall be protected in a manner no less vigorous than the rights afforded to the accused: to be treated with fairness and respect for the victim's safety, dignity and
privacy; upon request, TO HAVE THE SAFETY OF THE VICTIM AND THE VICTIM'S FAMILY CONSIDERED IN FIXING THE AMOUNT OF BAIL AND RELEASE CONDITIONS FOR THE ACCUSED; to reasonable and timely notice, as defined by the General Assembly, of and to be present at all public proceedings involving the criminal or delinquent conduct; TO BE NOTIFIED OF ANY PRETRIAL DISPOSITION OF THE CASE; with the exception of grand jury proceedings, to be heard in any proceeding where a right of the victim is implicated, including, but not limited to, release, plea, sentencing, disposition, parole and pardon; TO BE NOTIFIED OF ALL PAROLE PROCEDURES, TO PARTICIPATE IN THE PAROLE PROCESS, TO PROVIDE INFORMATION TO BE CONSIDERED BEFORE THE PAROLE OF THE OFFENDER, AND TO BE NOTIFIED OF THE PAROLE OF THE OFFENDER; to reasonable protection from the accused or any person acting on behalf of the accused; upon request, to reasonable notice, as defined by the General Assembly, of any release or escape of the accused; to refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused; full and timely restitution from the person or entity convicted or adjudicated responsible for the unlawful conduct; FULL AND TIMELY RESTITUTION AS DETERMINED BY THE COURT IN A JUVENILE DELINQUENCY PROCEEDING; TO THE PROMPT RETURN OF PROPERTY WHEN NO LONGER NEEDED AS EVIDENCE; to proceedings free from unreasonable delay and a prompt AND FINAL conclusion of the case AND ANY RELATED POSTCONVICTION PROCEEDINGS; upon request, to confer with the attorney for the government; and to be informed of all rights enumerated in this section.

(b) The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or
before any other authority, with jurisdiction over the case, and
have enforced, the rights enumerated in this section and any
other right afforded to the victim by law. This section does not
grant the victim party status or create any cause of action for
compensation or damages against the Commonwealth, counties,
cities or municipalities OR ANY POLITICAL SUBDIVISION, nor any
officer, employee or agent of the Commonwealth, counties, cities
or municipalities OR ANY POLITICAL SUBDIVISION, or any officer
or employee of THE court.

(c) As used in this section AND AS FURTHER DEFINED BY THE GENERAL ASSEMBLY, the term "victim" includes any person as
defined by the General Assembly against whom the criminal
crime or delinquent act is committed or who is directly harmed
by the commission of the offense or act. The term "victim" does
not include the accused or a person whom the court finds would
not act in the best interests of a deceased, incompetent, minor
or incapacitated victim.

Section 2. (a) Upon the first passage by the General
Assembly of this proposed constitutional amendment, the
Secretary of the Commonwealth shall proceed immediately to
comply with the advertising requirements of section 1 of Article
XI of the Constitution of Pennsylvania and shall transmit the
required advertisements to two newspapers in every county in
which such newspapers are published in sufficient time after
passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this
proposed constitutional amendment, the Secretary of the
Commonwealth shall proceed immediately to comply with the
advertising requirements of section 1 of Article XI of the
Constitution of Pennsylvania and shall transmit the required
advertisements to two newspapers in every county in which such
newspapers are published in sufficient time after passage of
this proposed constitutional amendment. The Secretary of the
Commonwealth shall submit this proposed constitutional amendment
to the qualified electors of this Commonwealth at the first
primary, general or municipal election which meets the
requirements of and is in conformance with section 1 of Article
XI of the Constitution of Pennsylvania and which occurs at least
three months after the proposed constitutional amendment is
passed by the General Assembly.