

SENATE JOINT RESOLUTION M

September 24, 1997, Introduced by Senator BERRYMAN and referred to the Committee on Judiciary.

A joint resolution ratifying the proposed amendment to the constitution of the United States relating to the protection of the rights of victims of crimes.

Resolved by the Senate and the House of Representatives of the state of Michigan, That whereas the one-hundred-fourth Congress of the United States of America, at its session, in both houses, by a constitutional majority of two-thirds of both houses has made the following proposition to amend the constitution of the United States:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to protect the rights of victims of crime.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is

1 proposed as an amendment to the Constitution of the United
2 States, which shall be valid to all intents and purposes as part
3 of the Constitution when ratified by the legislatures of
4 three-fourths of the several States within seven years after the
5 date of its submission for ratification:

6 "ARTICLE _____

7 "SECTION 1. To insure that victims of crime are treated
8 with fairness, dignity, and respect, in each prosecution by the
9 United States or a State, for a crime either involving violence
10 or for which the defendant can be imprisoned for a period longer
11 than one year, any victim of the crime shall have the right to
12 receive notice of, and to be present at, every stage of the
13 public proceedings, unless the court determines there is good
14 cause for the victim not to be present; to comment at any such
15 proceeding involving the possible release of the defendant from
16 custody, the acceptance of any plea agreement with the defendant,
17 or the sentencing of the defendant; to be informed of any release
18 or escape of the defendant; to receive reasonable protection from
19 physical harm or intimidation relating to the proceedings; to
20 have the proceedings resolved in a prompt and timely manner; and
21 to have the court order restitution from the defendant upon
22 conviction.

23 "SECTION 2. The rights established in section 1 shall be
24 made available to victims upon request to the prosecuting author-
25 ity and in the manner provided by law under section 3.

26 "SECTION 3. The legislatures of the States, with respect to
27 a proceeding in a State forum, and the Congress with respect to a

1 proceeding in a United States forum, shall have the power to
2 enforce this article by appropriate legislation.".

3 Therefore, in the name of, and on behalf of, the people of
4 the state of Michigan, we ratify, approve, and assent to the pro-
5 posed amendment to the constitution of the United States.

6 Resolved further, That certified copies of this joint reso-
7 lution be transmitted by the governor of the state of Michigan,
8 to the president of the United States, the archivist of the
9 United States, the president of the Senate of the United States,
10 and the speaker of the House of Representatives of the United
11 States.