

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 438
SENATE BILL 6

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
ESTABLISH RIGHTS FOR VICTIMS OF CRIME.

The General Assembly of North Carolina enacts:

Section 1. Article I of the Constitution of North Carolina is amended by adding a new section to read:

"Sec. 37. Rights of victims of crime.

- (1) **Basic rights.** Victims of crime, as prescribed by law, shall be entitled to the following basic rights:
 - a. The right as prescribed by law to be informed of and to be present at court proceedings of the accused.
 - b. The right to be heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.
 - c. The right as prescribed by law to receive restitution.
 - d. The right as prescribed by law to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.
 - e. The right as prescribed by law to receive information about the conviction or final disposition and sentence of the accused.
 - f. The right as prescribed by law to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.
 - g. The right as prescribed by law to present their views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.
 - h. The right as prescribed by law to confer with the prosecution.
- (2) **No money damages; other enforcement.** Nothing in this section shall be construed as creating a claim for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The General Assembly may provide for other remedies to ensure adequate enforcement of this section.
- (3) **No ground for relief in criminal case.** The failure or inability of any person to provide a **right** or service provided under this section may

not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election to be held in November 1996, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment adding Victims' Rights Amendment, giving crime victims basic rights to participate in the justice system".

Sec. 3. If a majority of the votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon this certification. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 17th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives