

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 140

Select Committee on Courts Committee Substitute Adopted 2/24/94

Short Title: Rights of Victims Amendment.

(Public)

Sponsors:

Referred to: Appropriations.

February 15, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO  
3 ESTABLISH RIGHTS FOR VICTIMS OF CRIME.

4 The General Assembly of North Carolina enacts:

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

7 "Sec. 37. Rights of victims of crime.

8 (1) Basic Rights. Victims of crime, as defined by law, shall be entitled to certain  
9 basic rights, including the right to be informed of and to be present at public hearings, as  
10 defined by law to be part of the criminal justice process, and to be heard at sentencing or  
11 at any other time deemed appropriate by the court, to the extent that these rights do not  
12 interfere with the constitutional or statutory rights of the accused.

13 (2) No Money Damages; Other Enforcement. Nothing in this section shall be  
14 construed as creating a claim for money damages against the State, a county, a  
15 municipality, or any of the agencies, instrumentalities, or employees thereof. The  
16 General Assembly may provide for other remedies to ensure adequate enforcement of  
17 this section.

18 (3) No Ground for Relief in Criminal Case. Nothing in this section shall be  
19 construed to authorize a court to set aside or to void a finding of guilty or not guilty or  
20 an acceptance of a plea of guilty or to set aside any sentence imposed or any other final  
21 disposition in any criminal case."

22 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to  
23 the qualified voters of the State at an election to be held on November 8, 1994, which

1 election shall be conducted under the laws then governing elections in the State.  
2 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the  
3 General Statutes. The question to be used in the voting systems and ballots shall be:

4 **"[ ] FOR [ ] AGAINST**

5 **Constitutional amendment adding a Victims' Rights Amendment."**

6 Those qualified voters favoring the amendment set out in Section 1 of this act  
7 shall vote by making an X or a check mark in the square beside the statement beginning  
8 "FOR", and those qualified voters opposed to that amendment shall vote by making an  
9 X or a check mark in the square beside that statement beginning "AGAINST".

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

15 Sec. 4. Sections 1 through 3 of this act are effective upon ratification.