

# Victims' Rights Constitutional Amendments

“When someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in. Participation in all forms of government is the essence of democracy. Victims should be guaranteed the right to participate in proceedings related to crimes committed against them. People accused of crimes have explicit constitutional rights. Ordinary citizens have a constitutional right to participate in criminal trials by serving on a jury. The press has a constitutional right to attend trials. All of this is as it should be. It is only the victims of crime who have no constitutional right to participate, and that is not the way it should be.”

*President William Jefferson Clinton, Remarks at  
Announcement of Victims' Rights Constitutional Amendment  
June 25, 1996*

The issue of federal constitutional protection of victims' rights was first raised in the landmark President's Task Force on Victims of Crime *Final Report* published in 1982. Its authors proposed augmenting the Sixth Amendment of the U.S. Constitution to provide that “. . . the victim, in every criminal prosecution, shall have the right to be present and to be heard at all critical stages of judicial proceedings.”

As of January 1998, 29 states have amended their constitutions with high percentages of voter approval to guarantee an array of rights for victims, including notification, participation, protection and input. A handful of states apply these constitutional rights to victims of juvenile, as well as adult, offenders.

In April of 1996, and again in the opening session of the new Congress in January of 1997, a *Victims' Rights Constitutional Amendment* was introduced by Senators Jon Kyl (R-AZ) and Dianne Feinstein (D-CA) in the U.S. Senate and by Henry Hyde (R-IL) in the House of Representatives. In June of 1996, President Clinton endorsed the concept of a Federal Constitutional Amendment for Crime Victims' Rights in a special ceremony held at the White House. His moving words are quoted above.

The Judiciary Committees in the Senate and House of Representatives have held hearings on the federal constitutional amendment. Attorney General Janet Reno testified to the need for constitutional rights for crime victims at hearings held in 1997.

The proposed federal *Victims' Rights Constitutional Amendment* continues to receive strong bipartisan support, as well as support from organizations representing national, state and local victim services, law enforcement, criminal justice, and community and institutional corrections.

For additional information on the federal constitutional amendment now pending before the 105<sup>th</sup> Congress, contact your elected representative. You may also wish to contact:

**National Organization for Victim Assistance**

1757 Park Road, NW

Washington, D.C. 20010

202-232-6682 or 1-800-TRY-NOVA (879-6682)

**National Victim Center**

2111 Wilson Boulevard, Suite 300

Arlington, VA 22201

703-276-2880 or 1-800-FYI-CALL (394-2255)

# History of State Victims' Rights Constitutional Amendments

State	Year Passed	Electoral Support	State	Year Passed	Electoral Support
Alabama	1994	80%	Nevada	1996	74%
Alaska	1994	87%	New Jersey	1991	85%
Arizona	1990	58%	New Mexico	1992	68%
California	1982	56%	North Carolina	1996	78%
Colorado	1992	86%	Ohio	1994	77%
Connecticut	1996	78%	Oklahoma	1996	91%
Florida	1988	90%	Oregon	1996	59%
Idaho	1994	79%	Rhode Island	1986	*
Illinois	1992	77%	South Carolina	1996	89%
Indiana	1996	89%	Texas	1989	73%
Kansas	1992	84%	Utah	1994	68%
Maryland	1994	92%	Virginia	1996	84%
Michigan	1992	84%	Washington	1989	78%
Missouri	1992	84%	Wisconsin	1993	84%
Nebraska	1996	78%			

\* Passed by Constitutional Convention.