

CRIME VICTIMS' RIGHTS IN AMERICA: AN HISTORICAL OVERVIEW

The incredible accomplishments, struggles and victories of the past three decades of America's victims' rights discipline are incorporated into this impressive document, which was originally contributed to the Resource Guide by the National Center for Victims of Crime (formerly the National Victim Center). These landmark achievements are highlighted in Crime Victims' Rights in America: An Historical Overview, which can be reproduced as a document on its own, or incorporated into speeches, brochures and other public outreach activities sponsored during NCVRW and throughout the year. There is a space on the final page for organizations to add personal contact information.

VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENTS

The Victims' Rights Constitutional Amendments materials contain a brief history of efforts to enact federal and state crime victims' rights constitutional amendments, along with a summary of states that have amended their constitutions to guarantee an array of rights for victims.



Crime Victims' Rights in America

An Historical Overview

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has.” Margaret Mead

1965

- The first crime victim compensation program is established in California.
- By 1970, five additional compensation programs are created—New York, Hawaii, Massachusetts, Maryland and the Virgin Islands.

1972

- The first three victim assistance programs are created:
 - Aid for Victims of Crime in St. Louis, Missouri.
 - Bay Area Women Against Rape in San Francisco, California.
 - Rape Crisis Center in Washington, D.C.

1974

- The Federal Law Enforcement Assistance Administration (LEAA) funds the first victim/witness programs in the Brooklyn and Milwaukee District Attorneys’ offices, plus seven others through a grant to the National District Attorneys Association, to create model programs of assistance for victims, encourage victim cooperation, and improve prosecution.
- The first law enforcement-based victim assistance programs are established in Fort Lauderdale, Florida and Indianapolis, Indiana.
- The U.S. Congress passes the Child Abuse Prevention and Treatment Act which establishes

the National Center on Child Abuse and Neglect (NCCAN). The new Center creates an information clearinghouse, provides technical assistance and model programs.

1975

- The first “Victims’ Rights Week” is organized by the Philadelphia District Attorney.
- Citizen activists from across the country unite to expand victim services and increase recognition of victims’ rights through the formation of the National Organization for Victim Assistance (NOVA).

1976

- The National Organization for Women forms a task force to examine the problem of battering. It demands research into the problem, along with money for battered women’s shelters.
- Nebraska becomes the first state to abolish the marital rape exemption.
- The first national conference on battered women is sponsored by the Milwaukee Task Force on Women in Milwaukee, Wisconsin.
- In Fresno County, California, Chief Probation Officer James Rowland creates the first victim impact statement to provide the judiciary with an objective inventory of victim injuries and losses prior to sentencing.

- Women’s Advocates in St. Paul, Minnesota starts the first hotline for battered women. Women’s Advocates and Haven House in Pasadena, California establish the first shelters for battered women.

1977

- The National Association of Crime Victim Compensation Boards is established by the existing 22 compensation programs to promote the creation of a nationwide network of compensation programs.
- Oregon becomes the first state to enact mandatory arrest in domestic violence cases.

1978

- The National Coalition Against Sexual Assault (NCASA) is formed to combat sexual violence and promote services for rape victims.
- The National Coalition Against Domestic Violence (NCADV) is organized as a voice for the battered women’s movement on a national level. NCADV initiates the introduction of the Family Violence Prevention and Services Act in the U.S. Congress.
- Parents of Murdered Children (POMC), a self-help support group, is founded in Cincinnati, Ohio.
- Minnesota becomes the first state to allow probable cause (warrantless) arrest in cases of domestic assault, regardless of whether a protection order had been issued.

1979

- Frank G. Carrington, considered by many to be “the father of the victims’ rights movement,” founds the Crime Victims’ Legal Advocacy Institute, Inc., to promote the rights of crime

victims in the civil and criminal justice systems. The nonprofit organization was renamed VALOR, the Victims’ Assistance Legal Organization, Inc., in 1981.

- The Office on Domestic Violence is established in the U.S. Department of Health and Human Services, but is later closed in 1981.
- The U.S. Congress fails to enact the Federal Law Enforcement Assistance Administration (LEAA) and federal funding for victims’ programs is phased out. Many grassroots and “system-based” programs close.

1980

- Mothers Against Drunk Driving (MADD) is founded after the death of 13-year-old Cari Lightner, who was killed by a repeat offender drunk driver. The first two MADD chapters are created in Sacramento, California and Annapolis, Maryland.
- The U.S. Congress passes the Parental Kidnapping Prevention Act of 1980.
- Wisconsin passes the first “Crime Victims’ Bill of Rights.”
- The First National Day of Unity in October is established by NCADV to mourn battered women who have died, celebrate women who have survived the violence, and honor all who have worked to defeat domestic violence. This Day becomes Domestic Violence Awareness Week and, in 1987, expands to a month of awareness activities each October.
- NCADV holds its first national conference in Washington, D.C., which gains federal recognition of critical issues facing battered women, and sees the birth of several state coalitions.
- The first Victim Impact Panel is sponsored by Remove Intoxicated Drivers (RID) in Oswego County, New York.

1981

- Ronald Reagan becomes the first President to proclaim “Crime Victims’ Rights Week” in April.
- The disappearance and murder of missing child Adam Walsh prompt a national campaign to raise public awareness about child abduction and enact laws to better protect children.
- The Attorney General’s Task Force on Violent Crime recommends that a separate Task Force be created to consider victims’ issues.

1982

- In a Rose Garden ceremony, President Reagan appoints the Task Force on Victims of Crime, which holds public hearings in six cities across the nation to create a greatly needed national focus on the needs of crime victims. The Task Force *Final Report* offers 68 recommendations that become the framework for the advancement of new programs and policies. Its final recommendation, to amend the Sixth Amendment of the U.S. Constitution to guarantee 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 . . .,” becomes a vital source of new energy pushing toward the successful efforts to secure state constitutional amendments through the 1980s and beyond.
- The Federal Victim and Witness Protection Act of 1982 brings “fair treatment standards” to victims and witnesses in the federal criminal justice system.
- California voters overwhelmingly pass Proposition 8, which guarantees restitution and other statutory reforms to crime victims.
- The passage of the Missing Children’s Act of 1982 helps parents guarantee that identifying information about their missing child is promptly

entered into the FBI National Crime Information Center (NCIC) computer system.

- The first Victim Impact Panel sponsored by MADD, which educates drunk drivers about the devastating impact of their criminal acts, is organized in Rutland, Massachusetts.

1983

- The Office for Victims of Crime (OVC) is created by the U.S. Department of Justice within the Office of Justice Programs to implement recommendations from the President’s Task Force on Victims of Crime. OVC establishes a national resource center, trains professionals, and develops model legislation to protect victims’ rights.
- The U.S. Attorney General establishes a Task Force on Family Violence, which holds six public hearings across the United States.
- The U.S. Attorney General issues guidelines for federal victim and witness assistance.
- In April, President Reagan honors crime victims in a White House Rose Garden ceremony.
- The First National Conference of the Judiciary on Victims of Crime is held at the National Judicial College in Reno, Nevada, with support from the National Institute of Justice. Conferees develop recommendations for the judiciary on victims’ rights and services.
- President Reagan proclaims the first National Missing Children’s Day in observance of the disappearance of missing child Etan Patz.
- The International Association of Chiefs of Police Board of Governors adopts a Crime Victims’ Bill of Rights and establishes a victims’ rights committee to bring about renewed emphasis on the needs of crime victims by law enforcement officials nationwide.

1984

- The passage of the Victims Of Crime Act (VOCA) establishes the Crime Victims Fund, made up of federal criminal fines, penalties and bond forfeitures, to support state victim compensation and local victim service programs.
- President Reagan signs the Justice Assistance Act, which establishes a financial assistance program for state and local government and funds 200 new victim service programs.
- The National Minimum Drinking Age Act of 1984 is enacted, providing strong incentives to states without “21” laws to raise the minimum age for drinking, saving thousands of young lives in years to come.
- The first of several international affiliates of MADD is chartered in Canada.
- The National Center for Missing and Exploited Children (NCMEC) is created as the national resource agency for missing children. Passage of the Missing Children’s Assistance Act pro-vides a Congressional mandate for the Center.
- The Spiritual Dimension in Victim Services is founded to involve the faith community in violence prevention and victim assistance.
- Crime Prevention Week in February is marked by a White House ceremony with McGruff.
- The Task Force on Family Violence presents its report to the U.S. Attorney General with recommendations for action, including the criminal justice system’s response to battered women; prevention and awareness; education and training; and data collection and reporting.
- The U.S. Congress passes the Family Violence Prevention and Services Act, which

earmarks federal funding for programs serving victims of domestic violence.

- The ad-hoc committee on the constitutional amendment formalizes its plans to secure passage of amendments at the state level.
- Concerns of Police Survivors (COPS) is organized at the first police survivors’ seminar held in Washington, D.C. by 110 relatives of officers killed in the line of duty.
- The first National Symposium on Sexual Assault is co-sponsored by the Office of Justice Programs and the Federal Bureau of Investigation, highlighting on the federal level the important needs of victims of rape and sexual assault.
- A victim/witness notification system is established within the Federal Bureau of Prisons.
- The Office for Victims of Crime hosts the first national symposium on child molestation.
- Victim/witness coordinator positions are established in the U.S. Attorneys’ offices within the U.S. Department of Justice.
- California State University-Fresno initiates the first Victim Services Certificate Program offered for academic credit by a university.
- Remove Intoxicated Drivers (RID) calls for a comprehensive Sane National Alcohol Policy (SNAP) to curb aggressive promotions aimed at youth.
- OVC establishes the National Victims Resource Center, now named the Office for Victims of Crime Resource Center (OVCRC), to serve as a clearinghouse for OVC publications and other resource information.

1985

- The Federal Crime Victims Fund deposits total \$68 million.

- The National Victim Center (renamed The National Center for Victims of Crime in 1998) is founded in honor of Sunny von Bulow to promote the rights and needs of crime victims, and to educate Americans about the devastating effect of crime on our society.
- The United Nations General Assembly passes the *International Declaration on the Rights of Victims of Crime and the Abuse of Power*.
- President Reagan announces a Child Safety Partnership with 26 members. Its mission is to enhance private sector efforts to promote child safety, to clarify information about child victimization, and to increase public awareness of child abuse.
- The U.S. Surgeon General issues a report identifying domestic violence as a major public health problem.

1986

- The Office for Victims of Crime awards the first grants to support state victim compensation and assistance programs.
- Two years after its passage, the Victims of Crime Act is amended by the Children's Justice Act to provide funds specifically for the investigation and prosecution of child abuse.
- Over 100 constitutional amendment supporters meet in Washington, D.C. at a forum sponsored by NOVA to refine a national plan to secure state constitutional amendments for victims of crime.
- Rhode Island passes a constitutional amendment granting victims the right to restitution, to submit victim impact statements, and to be treated with dignity and respect.
- Victim compensation programs have been established in thirty-five states.

- MADD's "Red Ribbon Campaign" enlists motorists to display a red ribbon on their automobiles, pledging to drive safe and sober during the holidays. This national public awareness effort has since become an annual campaign.

1987

- The Victims' Constitutional Amendment Network (VCAN) and Steering Committee is formed at a meeting hosted by the National Victim Center.
- Security on Campus, Inc. (SOC) is established by Howard and Connie Clery, following the tragic robbery, rape and murder of their daughter Jeanne at Lehigh University in Pennsylvania. SOC raises national awareness about the hidden epidemic of violence on our nation's campuses.
- The American Correctional Association establishes a Task Force on Victims of Crime.
- NCADV establishes the first national toll-free domestic violence hotline.
- Victim advocates in Florida, frustrated by five years of inaction on a proposed constitutional amendment by their legislature, begin a petition drive. Thousands of citizens sign petitions supporting constitutional protection for victims' rights. The Florida legislature reconsiders, and the constitutional amendment appears on the 1988 ballot.

1988

- OVC establishes funds for the Victim Assistance in Indian Country (VAIC) grant program to provide direct services to Native Americans by establishing "on-reservation" victim assistance programs in Indian Country.

- The National Aging Resource Center on Elder Abuse (NARCEA) is established in a cooperative agreement among the American Public Welfare Association, the National Association of State Units on Aging, and the University of Delaware. Renamed the National Center on Elder Abuse, it continues to provide information and statistics.
- *State v. Ciskie* is the first case to allow the use of expert testimony to explain the behavior and mental state of an adult rape victim. The testimony is used to show why a victim of repeated physical and sexual assaults by her intimate partner would not immediately call the police or take action. The jury convicts the defendant on four counts of rape.
- The Federal Drunk Driving Prevention Act is passed, and states raise the minimum drinking age to 21.
- Constitutional amendments are introduced in Arizona, California, Connecticut, Delaware, Michigan, South Carolina and Washington. Florida's amendment is placed on the November ballot, where it passes with 90 percent of the vote. Michigan's constitutional amendment passes with over 80 percent of the vote.
- The first "Indian Nations: Justice for Victims of Crime" conference is sponsored by the Office for Victims of Crime in Rapid City, South Dakota.
- VOCA amendments legislatively establish the Office for Victims of Crime, elevate the position of Director by making Senate confirmation necessary for appointment, and induce state compensation programs to cover victims of domestic violence, homicide and drunk driving. In addition, VOCA amendments added a new "priority" category of funding victim assistance programs at the behest of MADD and POMC for "previously underserved victims of crime."

- OVC also establishes a Federal Emergency Fund for victims in the federal criminal justice system.

1989

- The legislatures in Texas and Washington pass their respective constitutional amendments, which are both ratified by voters in November.
- OVC provides funding for the first time to the National Association of Crime Victim Compensation Boards to expand national training and technical assistance efforts.

1990

- The Federal Crime Victims Fund deposits total over \$146 million.
- The U.S. Congress passes the Hate Crime Statistics Act requiring the U.S. Attorney General to collect data of incidence of certain crimes motivated by prejudice based on race, religion, sexual orientation or ethnicity.
- The Student Right-to-Know and Campus Security Act, requiring institutions of higher education to disclose murder, rape, robbery and other crimes on campus, is signed into law by President Bush.
- The Victims of Child Abuse Act of 1990, which features reforms to make the federal criminal justice system less traumatic for child victims and witnesses, is passed by the U.S. Congress.
- The Victims' Rights and Restitution Act of 1990 incorporates a Bill of Rights for federal crime victims and codifies services that should be available to victims of crime.
- U.S. Congress passes legislation proposed by MADD to prevent drunk drivers and other offenders from filing bankruptcy to avoid paying criminal restitution or civil fines.

- The Arizona petition drive to place the victims' rights constitutional amendment on the ballot succeeds, and it is ratified by voters.
- The first *National Incidence Study on Missing, Abducted, Runaway and Throwaway Children in America* shows that over one million children fall victim to abduction annually.
- The National Child Search Assistance Act requires law enforcement to enter reports of missing children and unidentified persons in the NCIC computer.

1991

- U.S. Representative Ilena Ros-Lehtinen (R-FL) files the first Congressional Joint Resolution to place victims' rights in the U.S. Constitution.
- The Violence Against Women Act of 1991 is considered by the U.S. Congress.
- California State University-Fresno approves the first Bachelors Degree Program in Victimology in the nation.
- The Campus Sexual Assault Victims' Bill of Rights Act is introduced in the U.S. Congress.
- The results of the first national public opinion poll to examine citizens' attitudes about violence and victimization, *America Speaks Out*, are released by the National Victim Center during National Crime Victims' Rights Week.
- The Attorney General's Summit on Law Enforcement and Violent Crime focuses national attention on victims' rights in the criminal justice system.
- The U.S. Attorney General issues new comprehensive guidelines that establish procedures for the federal criminal justice system to respond to the needs of crime victims. The 1991 Attorney General Guidelines for Victim

and Witness Assistance implement new protections of the Crime Control Act of 1990, integrating the requirements of the Federal Crime Victims' Bill of Rights, the Victims of Child Abuse Act and the Victim and Witness Protection Act of 1982.

- The first national conference that addresses crime victims' rights and needs in corrections is sponsored by the Office for Victims of Crime in California.
- The first International Conference on Campus Sexual Assault is held in Orlando, Florida.
- The American Probation and Parole Association (APPA) establishes a Victim Issues Committee to examine victims' issues and concerns related to community corrections.
- The International Parental Child Kidnapping Act makes the act of unlawfully removing a child outside the United States a federal felony.
- The Spiritual Dimension in Victim Services facilitates a conference of leaders of 13 religious denominations to plan ways in which these large religious bodies can increase awareness of crime victims' needs and provide appropriate services.
- The New Jersey legislature passes a victims' rights constitutional amendment, which is ratified by voters in November.
- Colorado legislators introduce a constitutional amendment on the first day of National Crime Victims' Rights Week. Fifteen days later, the bill is unanimously passed by both Houses to be placed on the ballot in 1992.
- In an 8-0 decision, the U.S. Supreme Court ruled in *Simon & Schuster v. New York Crime Victims Board* that New York's notoriety-for-profit statute was overly broad and, in the final analysis, unconstitutional. Notoriety-for-profit statutes had been passed by many states at this time to prevent convicted criminals from profiting from the proceeds of depictions of their

crime in the media or publications. States must now review their existing statutes to come into compliance with the Supreme Court's decision.

- By the end of 1991, seven states have incorporated victims' rights into their state constitutions.
- OVC provides funding to the National Victim Center for *Civil Legal Remedies for Crime Victims* to train victim advocates nationwide about additional avenues for victims to seek justice within the civil justice system.

1992

- *Rape in America: A Report to the Nation* published during National Crime Victims' Rights Week by the National Crime Victims Research and Treatment Center and the National Victim Center, clarifies the scope and devastating effect of rape in this nation, including the fact that 683,000 women are raped annually in the United States.
- The Association of Paroling Authorities, International establishes a Victim Issues Committee to examine victims' needs, rights and services in parole processes.
- The U.S. Congress reauthorizes the Higher Education Bill which includes the Campus Sexual Assault Victims' Bill of Rights.
- The Battered Women's Testimony Act, which urges states to accept expert testimony in criminal cases involving battered women, is passed by Congress and signed into law by President Bush.
- In a unanimous decision, the U.S. Supreme Court—in *R.A.V. vs. City of St. Paul*—struck down a local hate crimes ordinance in Minnesota.

- Five states—Colorado, Kansas, Illinois, Missouri and New Mexico—ratify constitutional amendments for victims' rights.

- Twenty-eight states pass anti-stalking legislation.
- Massachusetts passes a landmark bill creating a statewide computerized domestic violence registry and requires judges to check the registry when handling such cases.

- The first national conference is convened, using OVC funds, that brings together representatives from VOCA victim assistance and victim compensation programs.

1993

- Wisconsin ratifies its constitutional amendment for victims' rights, bringing the total number of states with these amendments to 14.
- President Clinton signs the "Brady Bill" requiring a waiting period for the purchase of handguns.
- Congress passes the Child Sexual Abuse Registry Act, establishing a national repository for information on child sex offenders.
- Twenty-two states pass stalking statutes, bringing the total number of states with anti-stalking laws to 50, plus the District of Columbia.

1994

- The American Correctional Association Victims Committee publishes the landmark *Report and Recommendations on Victims of Juvenile Crime*, which offers guidelines for improving victims' rights and services when the offender is a juvenile.
- Six additional states pass constitutional amendments for victims' rights—the largest

number ever in a single year—bringing the total number of states with amendments to 20. States with new amendments include Alabama, Alaska, Idaho, Maryland, Ohio, and Utah.

- President Clinton signs a comprehensive package of federal victims' rights legislation as part of the Violent Crime Control and Law Enforcement Act. The Act includes:

- Violence Against Women Act, which authorizes more than \$1 billion in funding for programs to combat violence against women.
- Enhanced VOCA funding provisions.
- Establishment of a National Child Sex Offender Registry.
- Enhanced sentences for drunk drivers with child passengers.

- Kentucky becomes the first state to institute automated telephone voice notification to crime victims of their offender's status and release date.

- OVC establishes the Community Crisis Response (CCR) program, using the NOVA model, to improve services to victims of violent crimes in communities that have experienced crimes resulting in multiple victimizations.

1995

- The Federal Crime Victims Fund deposits total \$233,907,256.

- Legislatures in three states—Indiana, Nebraska, and North Carolina—pass constitutional amendments that will be placed on the ballot in 1996.

- The National Victims' Constitutional Amendment Network proposes the first draft of language for a federal constitutional amendment for victims' rights.

- The U.S. Department of Justice convenes a national conference to encourage implementation of the Violence Against Women Act.

- The first class graduates from the National Victim Assistance Academy in Washington, D.C. Supported by the Office for Victims of Crime, the university-based Academy provides an academically credited 45-hour curriculum on victimology, victims' rights and myriad other topics.

1996

- Federal Victims' Rights Constitutional Amendments are introduced in both houses of Congress with bi-partisan support.

- Both presidential candidates and the Attorney General endorse the concept of a Victims' Rights Constitutional Amendment.

- The Federal Crime Victims Fund reaches an historic high with deposits over \$525 million.

- Eight states ratify the passage of constitutional amendments for victims' rights—raising the total number of state constitutional amendments to 29 nationwide.

- The Community Notification Act, known as "Megan's Law," provides for notifying communities of the location of convicted sex offenders by amendment to the national Child Sexual Abuse Registry legislation.

- President Clinton signs the Antiterrorism and Effective Death Penalty Act, providing one million dollars in funding to strengthen antiterrorism efforts, making restitution mandatory in violent crime cases, and expanding the compensation and assistance services for victims of terrorism both at home and abroad, including victims in the military.

- The Office for Victims of Crime uses its new authority under the Antiterrorism and Effective

Death Penalty Act to provide substantial financial assistance to the victims and survivors of the Oklahoma City bombing.

- The Mandatory Victims' Restitution Act, enacted as Title II of the Antiterrorism and Effective Death Penalty Act, allows federal courts to award "public harm" restitution directly to state VOCA victim assistance programs. As a result of the new sentencing guidelines, judges can require federal offenders in certain drug offense cases to pay "community restitution."
- The National Domestic Violence Hotline is established to provide crisis intervention information and referrals to victims of domestic violence and their friends and family.
- OVC launches a number of international crime victim initiatives, including working to foster worldwide implementation of a United Nations declaration on victims' rights and working to better assist Americans who are victimized abroad.
- The Church Arson Prevention Act is signed into law in July, in response to increasing numbers of acts of arson against religious institutions around the country.
- The Drug-Induced Rape Prevention Act is enacted to address the emerging issue of the use of sedating drugs by rapists on victims.
- The Office for Juvenile Justice and Delinquency Prevention (OJJDP), within the U.S. Department of Justice, issues the *Juvenile Justice Action Plan* that includes recommendations for victims' rights and services for victims of juvenile offenders within the juvenile justice system.
- President Clinton directs the Attorney General to hold the federal system to a higher standard of services for crime victims.

1997

- In January, a federal victims' rights constitutional amendment is re-introduced in the opening days of the 105th Congress with strong bi-partisan support.

- In February, OVC convenes the first National Symposium on Victims of Federal Crimes. Coordinated by the National Organization for Victim Assistance, the symposium provides intensive training to nearly 1,000 federal employees who work with crime victims around the world.

- In March, Congress passes at historic speed the Victims Rights Clarification Act of 1997 to clarify existing federal law allowing victims to attend a trial and to appear as “impact witnesses” during the sentencing phase of both capital and non-capital cases. Supported by the Justice Department, President Clinton immediately signs the Act, allowing the victims and survivors of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City to both observe the trial that is scheduled to begin within days and to provide input later at sentencing.

- In April, the Senate Judiciary Committee conducts hearings on the proposed federal constitutional amendment. While not endorsing specific language, Attorney General Janet Reno testifies in support of federal constitutional rights for crime victims.

- In June, President Clinton reaffirms his support of federal constitutional rights for crime victims in a Rose Garden ceremony attended by members of Congress, criminal justice officials, and local, state, and national victims’ rights organizations. Also that month, the Judiciary Committee in the U.S. House of Representatives conducts its first hearing on the proposed amendment.

- In July, the Crime Victims Assistance Act is introduced into the U.S. Senate, offering full-scale reform of federal rules and federal law to establish stronger rights and protections for victims of federal crime. This legislation further proposes to assist victims of state crime through the infusion of additional resources to make the criminal justice system more supportive of crime victims.

- To fully recognize the sovereignty of Indian Nations, OVC for the first time provides victim assistance grants in Indian Country directly to the tribes.

- A federal anti-stalking law is enacted by Congress.

- The Federal Crime Victims Fund reaches its second highest year in fund collections with deposits totaling \$363 million.

- Due to the large influx of VOCA funds in the previous fiscal year, OVC hosts a series of regional meetings with state VOCA administrators to encourage states to develop multi-year funding strategies to help stabilize local program funding, expand outreach to previously underserved victims, and to support the development and implementation of technologies to improve victims’ rights and services.

- OVC continues its support of the victims and survivors of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City by funding additional advocates, crisis counseling, and travel expenses to court proceedings for the bombing victims. When the venue of the trial is changed to Denver, Colorado, OVC provides funding for a special closed-circuit broadcast to victims and survivors in Oklahoma City.

- OVC representatives join the United States Delegation to the United Nations Commission on Criminal Justice and Crime Prevention. OVC plays a leadership role in the development of an International Victim Assistance Training Manual to implement the *U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

- The National Victim Center utilizes its extensive legislative database to create the *Legislative Sourcebook*, a comprehensive compendium of victims’ rights laws in all states. Developed with support from OVC, the

Sourcebook becomes the definitive digest of state legislation on crime victims' rights laws for the nation.

- The third National Victim Assistance Academy is held, bringing the total number of students graduated to over 300 from 48 states. Supported by OVC and sponsored by the Victims' Assistance Legal Organization, California State University-Fresno, and the Medical University of South Carolina, the 45-hour Academy is conducted simultaneously at four universities across the nation linked by distance learning technology.
- A comprehensive national training for VOCA Compensation and Assistance programs is hosted by the National Association of Crime Victim Compensation Boards and the National Organization for Victim Assistance with support from OVC. VOCA representatives from all 50 states and every territory are in attendance.
- During National Crime Victims Rights Week, OVC officially launches its homepage < <http://www.ojp.usdoj.gov/ovc/> > , providing Internet access to its comprehensive resources about victims' rights and services.
- *New Directions from the Field: Victims Rights and Services for the 21st Century* is completed with support from OVC. It assesses the nation's progress in meeting the recommendations set forth in the *Final Report* of the 1982 President's Task Force on Victims of Crime, and issues over 250 new recommendations from the field for the next millennium.

1998

- Senate Joint Resolution 44, a new version of the federal Victims' Rights Amendment, is introduced in the Senate by Senators Jon Kyl and Dianne Feinstein. The Senate Judiciary Committee subsequently approves SJR 44 by an 11-6 vote. No further action is taken on SJR 44 during the 105th Congress.

- Four new states pass state victims' rights constitutional amendments: Louisiana by a voter margin of approval of 69 percent; Mississippi by 93 percent; Montana by 71 percent; and Tennessee by 89 percent. Also in 1998, the Supreme Court of Oregon overturns the Oregon state victims' rights amendment, originally passed in 1996, citing structural deficiencies.
- The fourth National Victim Assistance Academy (NVAA), sponsored and funded by the U.S. Department of Justice, Office for Victims of Crime, is held at four university sites around the country, bringing the total number of NVAA graduates to nearly 700. To date, students from all fifty states, one American territory, and three foreign countries have attended the Academy.
- PL 105-244, the Higher Education Amendments of 1998, is passed. Part E of this legislation, "Grants to Combat Violent Crimes Against Women on Campus," is authorized through the year 2003, and appropriates a total of \$10 million in grant funding to the Violence Against Women Grants Office for fiscal year 1999. Another primary aim of this legislation is to reduce binge drinking and illegal alcohol consumption on college campuses.
- The Child Protection and Sexual Predator Punishment Act of 1998 is enacted, providing for numerous sentencing enhancements and other initiatives addressing sex crimes against children, including crimes facilitated by the use of interstate facilities and the Internet.
- The Crime Victims with Disabilities Act of 1998 is passed, representing the first effort to systematically gather information on the extent of the problem of victimization of individuals with disabilities. This legislation directs the Attorney General to conduct a study on crimes against individuals with developmental disabilities within eighteen months. In addition, the Bureau of Justice Statistics must include statistics on the nature of crimes against individuals with developmental disabilities and

victim characteristics in its annual *National Crime Victimization Survey* by 2000.

- The Identity Theft and Deterrence Act of 1998 is signed into law in October 1998. This landmark federal legislation outlaws identity theft and directs the U.S. Sentencing Commission to consider various factors in determining penalties including the number of victims and the value of to any individual victim. The Act further authorizes the Federal Trade Commission to log and acknowledge reports of identity theft, provide information to victims, and refer complaints to appropriate consumer reporting and law enforcement agencies.

1999

- On January 19, 1999, Senate Joint Resolution 3, identical to SJR 44, is introduced and is currently pending before the 106th Congress.

- The Victim Restitution Enforcement Act of 1999 (S. 145), sponsored by Senator Abraham Spencer and introduced in the Senate Judiciary Committee on January 19, 1999 is officially titled a *Bill to Control Crime by Requiring Mandatory Victim Restitution*. Components of the proposed bill include establishment of procedures regarding the court's ascertaining of the victim's losses; requirement that restitution to victims be ordered in the full amount of their losses without consideration of the defendant's economic circumstances; and authorization of the court, upon application of the United States, to enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action necessary to preserve the availability of property or assets necessary to satisfy the criminal restitution order.

- On January 20, 1999, Senator Joseph Biden introduced the Violence Against Women Act II, a bill that extends and strengthens the original 1994 Violence Against Women Act. Key provisions of this bill would: (1) strengthen enforcement of "stay away" orders across state

lines; (2) boost spending for more women's shelters; (3) end insurance discrimination against battered women; (4) extend the Family and Medical Leave Act to cover court appearances by battered women; and (5) target the "date rape drug," Rohypnol, with maximum federal penalties.

- The Fifth National Victim Assistance Academy was held June 20-25, 1999, at five university locations across the United States, bringing the total number of Academy graduates to nearly 1,000.

Compiled by the National Center for Victims of Crime with the support and assistance of the U.S. Department of Justice Office for Victims of Crime, Victims' Assistance Legal Organization, Inc. (VALOR), and the many national, state and local victim service providers who offered documentation of their key victims' rights landmark activities.

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 the 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.”

Prior to the 1998 elections, a total of 29 states had passed state victims' rights constitutional amendments. In the Fall of 1998, the voters in four additional states approved state victims' rights constitutional amendments—Louisiana, Mississippi, Montana and Tennessee. Also in 1998, the Oregon Supreme Court overturned that state's victims' rights constitutional amendment, citing structural deficiencies. Thus, with one loss and four gains, a total of 33 states have amended their constitutions, but a total of 32 states enjoy current constitutional protection for victims, guaranteeing an array of rights, including notification, participation, protection and input. A handful of states applies 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.

On April 1, 1998, Senators Jon Kyl and Dianne Feinstein introduced a new version of the constitutional amendment, Senate Joint Resolution 44. In order to gain key Senate Judiciary Committee support, this new version of the proposed federal Victims' Rights Constitutional Amendment incorporates two significant language changes to the previous version: (1) the amendment is limited to victims of *violent* crime; and (2) Section 2 now includes language stating that a violation of crime victims' rights pursuant to the Amendment gives no grounds to overturn a sentence or negotiated plea agreement. In July 1998, the Senate Judiciary Committee voted 11-6 in favor of SJR 44. No further action was taken on SJR 44 during the 105th Congress.

On January 19, 1999, Senate Joint Resolution 3, identical to SJR 44, was introduced and is currently pending before the 106th Congress.

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 about the federal constitutional amendment, contact your elected representative. You may also wish to contact:

National Victims' Constitutional Amendment Network
789 Sherman Street, Suite 670
Denver, Colorado 80203
1-800-529-8226

History of State Victims' Rights Constitutional Amendments

State	Year Passed	Electoral Support	State	Year Passed	Electoral Support
Alabama	1994	80%	Nebraska	1996	78%
Alaska	1994	87%	Nevada	1996	74%
Arizona	1990	58%	New Jersey	1991	85%
California	1982	56%	New Mexico	1992	68%
Colorado	1992	86%	North Carolina	1996	78%
Connecticut	1996	78%	Ohio	1994	77%
Florida	1988	90%	Oklahoma	1996	91%
Idaho	1994	79%	Oregon	1996	59%
Illinois	1992	77%	OVERTURNED	1998	
Indiana	1996	89%	Rhode Island	1986	*
Kansas	1992	84%	South Carolina	1996	89%
Louisiana	1998	69%	Tennessee	1998	89%
Maryland	1994	92%	Texas	1989	73%
Michigan	1992	84%	Utah	1994	68%
Mississippi	1998	93%	Virginia	1996	84%
Missouri	1992	84%	Washington	1989	78%
Montana	1998	71%	Wisconsin	1993	84%

* Passed by Constitutional Convention.