

Official Explanation of the Proposed Changes to Current Victims' Rights

Constitutional Amendment

(Session Law 2018-110)

Question as it will appear on the ballot:

For     Against

Constitutional amendment to strengthen protections for victims of crime; to establish certain absolute basic rights for victims; and to ensure the enforcement of these rights.

***Changes to Current Victims' Rights Amendment***

Currently, the North Carolina Constitution guarantees victims of certain crimes the following rights:

- The right to be informed of and present at proceedings related to the accused.
- The right to be heard at sentencing of the accused.
- The right to receive restitution.
- The right to information regarding the crime, how the criminal justice system works, and the rights and services available to victims.
- The right to be informed about the final result of the case.
- The right to be informed of an escape, release, or pardon.
- The right to express views to the Governor or appropriate agency considering release.
- The right to confer with the prosecutor.

If this amendment is adopted, the Constitution would also guarantee victims the following rights:

- To be treated with dignity and respect.
- Reasonable, accurate, and timely notice of a proceeding, upon request.
- To be present at any proceeding, upon request.
- To be reasonably heard at additional kinds of court hearings.
- Restitution in a reasonably timely manner, when ordered by the court.
- Information about the crime, upon request.
- To reasonably confer with the prosecutor.

Today, victims have legal rights if the crime was a major felony, certain domestic violence cases, or one of several other kinds of serious crimes. The amendment would expand the types of offenses that trigger victims' rights to include all crimes against the person and felony property crimes. These rights would also apply in these cases if committed by juveniles.

This amendment directs the Legislature to create a procedure, by motion to the court, for a victim to assert his or her rights. Nothing in this proposed amendment creates a claim against the State or allows the victim to challenge any decision the court makes. The defendant may not use failure to provide these rights as a ground for relief in any civil or criminal matter.

The public fiscal note that accompanied this legislation estimates that these changes to our justice system will cost about \$11 million per year.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos551>.

Adopted August 6, 2018, by the NC Constitutional Amendments Publication Commission.

Elaine F. Marshall, Secretary of State, Commission Chair  
Josh Stein, Attorney General, Member  
Paul Y. Coble, Legislative Services Officer, Member