



## PROPOSED IDAHO RIGHTS OF CRIME VICTIMS AMENDMENT

### Idaho Constitution Article 1

#### Section 22. RIGHTS OF CRIME VICTIMS

- (A) A crime victim has the follow rights in all criminal justice proceedings:
- (1) To be treated with fairness, respect, dignity and privacy
  - (2) To timely disposition of the case.
  - (3) To reasonable and timely prior notification of proceedings. In addition, a crime victim shall receive reasonable and timely notification of escape or absconsion from probation or parole.
  - (4) To be present.
  - (5) To confer with the prosecution.
  - (6) To be heard, upon request.
  - (7) To full and timely restitution from the person committing the offense for economic losses. The restitution amongst crime victims may be prioritized by law.
  - (8) To refuse an interview, ex parte contact, or other request by the accused, or any other person acting on behalf of the accused.
  - (9) To a reasonable and timely oppportunity to read the presentence reports relating to the crime.
  - (10) To reasonable protection from the accused and those acting on behalf of the accused.
  - (11) To the same rights in juvenile proceedings.
- (B) As used in this section, “criminal justice proceeding” means trial court, appellate and post-conviction proceedings, including acceptance of a plea of guilty, sentencing, parole proceedings, parole discharge, change in probation status, commutation, pardon, post-arrest and post-conviction release, and any proceeding during which a right of the crime victim is implicated, but shall not include ex parte proceedings.
- (C) In the criminal justice proceedings, the crime victim, the crime victim’s attorney, or other lawful representative, or the attorney for the government upon request of

the crime victim, may assert and seek enforcement of the rights enumerated in the amendment and any other right afforded to the crime victim by law, which shall be acted upon promptly.

- (D) As used in this section, a "crime victim" shall include any person or entity directly and proximately harmed by the commission of a felony, or a misdemeanor involving physical injury, threatened physical injury or a sexual offense, or a person or entity against whom such an offense is committed and may be further expanded in law.
- (E) Nothing in this section is intended to, or shall be interpreted to, supersede a defendant's federal constitutional rights, nor to afford a victim an independent right to be heard during trial.
- (F) Nothing in the proposed amendment shall be construed to authorize a court to dismiss a case, to set aside or void a finding of guilt or an acceptance of a plea of guilty, or to afford a convicted person appellate, habeas corpus, or other relief from any criminal judgment; nor be construed as creating a cause of action for money damages, costs or attorney fees against the state, a county, a municipality, any agency, instrumentality or person; nor be construed as limiting any rights for crime victims previously conferred by statute. This section shall be self-enacting. The legislature shall have the power to enact laws to further implement, preserve, and expand the rights guaranteed to crime victims in the provisions of this section.