

By: Representative Gunn

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 47  
(As Adopted by the House)

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE  
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE CERTAIN RIGHTS TO  
3 VICTIMS THROUGHOUT THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
5 MISSISSIPPI, That the following amendment to the Mississippi  
6 Constitution of 1890 is proposed to the qualified electors of the  
7 state:

8 Amend the Mississippi Constitution of 1890 by creating a new  
9 section to read as follows:

10 "Section \_\_\_\_ . (1) To preserve and protect justice and due  
11 process for victims throughout the criminal and juvenile justice  
12 systems, a victim shall have the following rights which shall be  
13 protected in a manner no less vigorous than the rights afforded to  
14 the accused:

15 (a) To be treated with fairness and respect for the  
16 victim's safety, dignity and privacy;



17 (b) Upon request, to reasonable and timely notice of,  
18 and to be present at, all public proceedings involving the  
19 criminal or delinquent conduct;

20 (c) To be heard in any public proceeding involving the  
21 criminal or delinquent conduct;

22 (d) To be heard in any public proceeding involving  
23 release, plea, sentencing, disposition, parole, and any public  
24 proceeding during which a right of the victim is implicated;

25 (e) To reasonable protection from the accused or any  
26 person acting on behalf of the accused;

27 (f) To reasonable notice, upon request, of any release  
28 or escape of an accused;

29 (g) To refuse an interview, deposition, or other  
30 discovery request made by the accused or any person acting on  
31 behalf of the accused;

32 (h) To full and timely restitution;

33 (i) To proceedings free from unreasonable delay and a  
34 prompt conclusion of the case;

35 (j) To confer with the attorney for the government upon  
36 request; and

37 (k) To be informed of all rights enumerated in this  
38 section.

39 (2) The victim, the victim's attorney or other lawful  
40 representative, or the attorney for the government, upon request  
41 of the victim, may assert in any trial or appellate court, or



42 before any other authority, with jurisdiction over the case, and  
43 have enforced, the rights enumerated in this section and any other  
44 right afforded to the victim by law. The court or other authority  
45 with jurisdiction shall act promptly on such a request. This  
46 section does not create any cause of action for compensation or  
47 damages against the state, any political subdivision of the state,  
48 any officer, employee, or agent of the state or of any of its  
49 political subdivisions, or any officer or employee of the court.

50 (3) Law enforcement officers who become victims of crime in  
51 the course of performing their public duties are entitled to the  
52 same rights as other victims of crime; however, their identity and  
53 the circumstances of the crime may continue to be disclosed as  
54 otherwise provided by law.

55 (4) As used in this section, "victim" means any person  
56 against whom the criminal offense or delinquent act is committed  
57 or who is directly and proximately harmed by the commission of the  
58 offense or act. The term "victim" does not include the accused or  
59 a person whom the court finds would not act in the best interest  
60 of a deceased, incompetent, minor, or incapacitated victim. "

61 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
62 submitted by the Secretary of State to the qualified electors at  
63 an election to be held on March 10, 2020, as provided by Section  
64 273 of the Constitution and by general law.

65 BE IT FURTHER RESOLVED, That the explanation of this proposed  
66 amendment for the ballot shall read as follows: "This proposed



67 constitutional amendment provides certain rights for victims  
68 throughout the criminal and juvenile justice systems."

