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HOUSE JOINT RESOLUTION NO. 70

Offered January 18, 2000

Creating a joint subcommittee to study compliance with and enforcement of victims' rights laws.

Patrons—Watts, Almand, Amundson, Brink, Callahan, Darner, Hull, Kilgore, McDonnell, McEachin, McQuigg, Moran, Parrish, Plum, Scott and Van Landingham; Senators: Byrne, Colgan, Howell, Puller, Ticer and Whipple

Referred to Committee on Rules

WHEREAS, public respect and support for the criminal justice system requires that it be perceived as balanced and fair, not only to those accused and convicted of committing crimes, but also to those who are victims of crimes; and

WHEREAS, safeguarding the rights of victims of crime need not infringe upon the constitutional rights of those accused of committing crimes; and

WHEREAS, the General Assembly, by way of prior enactments and resolutions including the Crime Victim and Witness Rights Act, has previously affirmed its intent to ensure that victims and witnesses of crimes (i) have opportunities to make the courts aware of the full impact of crime, (ii) are treated with dignity, respect, and sensitivity and have their privacy protected, (iii) are informed of their rights, (iv) are heard at all critical stages of the criminal justice process, (v) receive authorized services, and (vi) have access to crime victim assistance programs which now serve approximately 95 percent of the Commonwealth's citizens; and

WHEREAS, eighty-four percent of voters affirmed an amendment to the Constitution of Virginia recognizing victims' rights; and

WHEREAS, all states have enacted statutes protecting victims' rights and the Commonwealth of Virginia is among 32 states that have amended their constitutions to recognize victims' rights; and

WHEREAS, the Victims' Issues Subcommittee of the Criminal Justice Services Board has reviewed the statutory changes and formal procedures adopted by the several states that have addressed instituting effective means to enforce victims' rights established by statute and state constitution; and

WHEREAS, these formal programs to monitor and enforce victims' rights laws appear to promote improved service delivery and compliance with victims' rights laws; and

WHEREAS, research studies suggest that strong and enforceable victims' rights statutes ensure that victims are more likely to be notified of events in their cases; to be informed of their rights and services; to exercise their rights; and to give higher rating to the criminal justice system and its agents; and

WHEREAS, a comprehensive study of the feasibility and appropriateness of implementing a crime victims' rights compliance monitoring and enforcement program may involve complex policy questions affecting crime victims, all branches of government, and all criminal justice professionals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study victims' rights compliance issues including, but not be limited to: (i) assessing the feasibility and appropriateness of instituting formal "performance audits" of programs providing victim assistance information and services in order to improve service delivery and promote statewide compliance with victims' rights laws; (ii) assessing the feasibility and appropriateness of providing victims and/or other agents legal standing to seek appropriate, equitable relief when victims' rights are violated; (iii) assessing the feasibility and appropriateness of providing an agency of state government the authority and resources to mediate alleged victims' rights violations, provide technical assistance and training, and, if necessary, take appropriate enforcement action; (iv) evaluating the types of remedies which could be made available to victims or other agents if victims' rights are violated; (v) assessing the appropriateness of establishing additional victims' rights and clarifying victims' rights and the respective roles and responsibilities of law enforcement, prosecution, the courts, and corrections officials; and (vi) evaluating the costs, benefits, and priority associated with each recommendation.

The subcommittee shall be composed of 29 members as follows: three members of the House of Delegates to be appointed by the Speaker of the House; two members of the Senate to be appointed by the Senate Committee on Privileges and Elections; the Chief Justice of the Supreme Court or his designee; the Attorney General or his designee; one circuit court judge, one general district court judge, one juvenile and domestic relations court judge, one circuit court clerk, one general district court clerk, one juvenile and domestic relations district court clerk, and one magistrate to be appointed by the Governor upon the recommendations of the Chief Justice of the Supreme Court; the Director of the

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60 Department of Criminal Justice Services or his designee; the Director of the Department of Juvenile
61 Justice or his designee; the Director of the Department of Corrections or his designee; two attorneys for
62 the Commonwealth, one chief of police, one sheriff with law enforcement duties, and two local
63 government representatives recommended by the Virginia Municipal League and the Virginia
64 Association of Counties to be appointed by the Senate Committee on Privileges and Elections; two
65 directors of local victim/witness programs, three members representing victim advocacy organizations,
66 and one crime victim to be appointed by the Speaker of the House. The Chairman of the subcommittee
67 shall be a member of the General Assembly; and, be it

68 RESOLVED FURTHER, That the legislative members of the subcommittee shall constitute an
69 executive committee which shall direct study activities.

70 The Division of Legislative Services shall provide staff support for the study. The Department of
71 Criminal Justice Services shall provide technical assistance. All agencies of the Commonwealth shall
72 provide assistance to the subcommittee upon request.

73 The subcommittee shall complete its work in time to submit its findings and recommendations to the
74 Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division
75 of Legislative Automated Systems for the processing of legislative documents.

76 The direct costs of this study shall not exceed \$ 5,750.

77 Implementation of this resolution is subject to subsequent approval and certification by the Joint
78 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
79 study.