

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 33

An Act to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia by adding in Article I a section numbered 8-A, relating to the rights of victims of crime.

[S 255]

Approved March 4, 1996

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 1996, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Article I of the Constitution of Virginia by adding a section numbered 8-A as follows:

ARTICLE I BILL OF RIGHTS

Section 8-A. Rights of victims of crime.

That in criminal prosecutions, the victim shall be accorded fairness, dignity and respect by the officers, employees and agents of the Commonwealth and its political subdivisions and officers of the courts and, as the General Assembly may define and provide by law, may be accorded rights to reasonable and appropriate notice, information, restitution, protection, and access to a meaningful role in the criminal justice process. These rights may include, but not be limited to, the following:

- 1. The right to protection from further harm or reprisal through the imposition of appropriate bail and conditions of release;*
- 2. The right to be treated with respect, dignity and fairness at all stages of the criminal justice system;*
- 3. The right to address the circuit court at the time sentence is imposed;*
- 4. The right to receive timely notification of judicial proceedings;*
- 5. The right to restitution;*
- 6. The right to be advised of release from custody or escape of the offender, whether before or after disposition; and*
- 7. The right to confer with the prosecution.*

This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this Constitution, and does not create any cause of action for compensation or damages against the Commonwealth or any of its political subdivisions, any officer, employee or agent of the Commonwealth or any of its political subdivisions, or any officer of the court.

§ 2. The ballot shall contain the following question:

"Question: Shall the Constitution of Virginia be amended to provide that the victims of crime shall be treated with fairness, dignity, and respect in the criminal justice process and that the General Assembly may define, by law, the rights of victims of crime?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office, and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 1997.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.