

Article 1, Section 8.1 – CRIME VICTIM'S RIGHTS

a. ~~A C~~crime victims, ~~as defined by law,~~ shall have the following rights ~~as provided by law:~~

1. The right to be treated with fairness and respect for ~~their~~ the victim's dignity and privacy throughout the criminal justice process.
2. The right to notification of court proceedings.
3. The right to ~~communicate~~ confer^[MG1] with the prosecution.
4. The right to ~~make a statement to the court be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue. at sentencing.~~
5. The right to ~~information about~~ be informed of the conviction, sentence, imprisonment, release of the accused, and any proposal to reduce the sentence or that would result in release^[MG2], ~~imprisonment, and release of the accused.~~
6. The right to timely disposition of the case following the arrest of the accused;
7. The right to be reasonably protected from the accused throughout the criminal justice process.
8. The right to be present at the trial and all other court proceedings on the same basis as the accused, ~~unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.~~
9. The right to have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice.
10. The right to restitution.

b. Definition- For the purposes of this section, the term `crime victim' means a person directly and proximately harmed as a result of the commission of a criminal offense. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

~~The General Assembly may provided by law for the enforcement of this Section.~~

c. A victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the rights enumerated in subsection (a) in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.

ed. The General Assembly may provide for an assessment against convicted defendants to pay for crime victims' rights.

de. Nothing in this Section or in any law enacted under this Section shall be construed as creating a basis for vacating a conviction ~~or a ground for appellate relief in any criminal case.~~ This section does not create any cause of action for compensation or damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any of its political subdivisions, or any officer or employee of the court.