



HOUSE BILL 551: Strengthening Victims' Rights.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 21, 2018
Introduced by:	Reps. Dollar, R. Turner, Destin Hall, Earle	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to Second Edition H551-CSTTy-39		Staff Attorney

OVERVIEW: *The proposed committee substitute for House Bill 551 would place a constitutional amendment on the November 2018 ballot to expand the rights of victims.*

[As introduced, this bill was identical to S595, as introduced by Sens. Barringer, B. Jackson, Daniel, which is currently in Senate Rules and Operations of the Senate.]

BILL ANALYSIS: The PCS for House Bill 551 would amend the constitution, and expand the offenses that trigger victims' rights to include:

- ▶ Crimes against the person.
- ▶ Felony property crimes.
- ▶ Delinquent acts against the person.
- ▶ Delinquent acts equivalent to felony property crimes.

The PCS for House Bill 551 would guarantee victims the following rights:

- ▶ To be treated with dignity and respect.
- ▶ Reasonable, accurate, and timely notice, upon request.
- ▶ To be present at any proceeding.
- ▶ To be reasonably heard at certain proceedings.
- ▶ Restitution in a reasonably timely manner.
- ▶ Information, upon request.
- ▶ To reasonably confer with the prosecutor.

The PCS for House Bill 551 would direct the General Assembly to create a procedure for a victim to assert the rights provided, and afford the district attorney an opportunity to resolve any alleged violation.

The PCS for House Bill 551 would not provide relief in a criminal case, or restrict the authority of the district attorney.

The PCS for House Bill 551 would authorize the General Assembly to prescribe laws to implement the constitutional guarantees.

EFFECTIVE DATE: This act is effective when it becomes law; it would be submitted to voters in the November, 2018 election and if chosen by the majority of voters, would be effective August 31, 2019.

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CURRENT LAW: Section 37 of the North Carolina Constitution guarantees victims of crime, as defined by law, the following rights:

- (a) The right to be informed of and present at proceedings related to the accused.
- (b) The right to be heard at proceedings that implicate a victim's rights.
- (c) The right to receive restitution.
- (d) The right to information regarding rights, services, and the criminal justice system.
- (e) The right to be informed about the final disposition of the case.
- (f) The right to be informed of an escape, release, pardon, or commutation.
- (g) The right to express views to the Governor or appropriate agency considering release.
- (h) The right to confer with prosecution.

Article 46 of Chapter 15A is the Crime Victims' Rights Act. The Act currently only applies to victims of specific charged offenses. Only the following offenses trigger the rights guaranteed to a victim:

- Any Class A, B1, B2, C, D, or E felony.
- Certain Class G, H, and I felonies.
- A small number of violent misdemeanors.
- Any violations of a valid Domestic Violence Protection Order.

BACKGROUND: Marsalee (Marsy) Nicholas was killed in 1983, in California. A week after the murder, Marsy's brother and mother ran into the accused murderer in the grocery store. The family had not been notified that the suspect had been granted pre-trial release. At that time, there was no obligation for the courts or law enforcement to inform a victim or victim's family about the release of a defendant.