



HOUSE BILL 551: Strengthening Victims' Rights.

2017-2018 General Assembly

Committee:		Date:	August 13, 2018
Introduced by:		Prepared by:	Jennifer H. Bedford
Analysis of:	S.L. 2018-110		Staff Attorney

OVERVIEW: S.L. 2018-110 places a constitutional amendment on the November 2018 ballot to expand the rights of victims of certain crimes and acts of delinquency.

BILL ANALYSIS: If adopted, the constitution would be amended and the offenses that trigger victims' rights would be expended to include:

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

If adopted, the constitution 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.

If adopted, S.L. 2018-110 will direct the General Assembly to create a procedure for a victim to assert the rights provided; afford the district attorney an opportunity to resolve any alleged violation; and authorize the General Assembly to prescribe laws to implement the constitutional guarantees.

If adopted, S.L. 2018-110 will not provide: relief in a criminal case; access to confidential juvenile records; or restrict the authority of the district attorney or the court.

EFFECTIVE DATE: S.L. 2018-110 is effective when it becomes law. It will be submitted to voters in the November, 2018 election and if chosen by the majority of voters, it will be effective August 31, 2019.

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.

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- (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.