

HOUSE BILL REPORT

HJM 4014

As Reported By House Committee On:
Criminal Justice & Corrections

Brief Description: Requesting Congress adopt the proposed victims' rights amendment to the Constitution of the United States.

Sponsors: Representatives Costa, Ballasiotes, Poulsen, Sheahan, Morris, Keiser, McDonald, Mitchell, Kenney, Hankins, Sullivan, D. Sommers, Sterk, Lantz, Cody, Radcliff, Robertson, Sherstad, Veloria, Tokuda, Anderson, Cole, Quall, H. Sommers, Murray, Constantine, Conway, Fisher, Doumit, Dunshee, Cairnes, Cooke, Blalock, O'Brien, Gombosky, Dickerson, Gardner, Ogden, D. Schmidt, Kessler, Linville and Mason.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/23/98 [DP].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Cairnes; Dickerson; Hickel; McCune; Radcliff and Sullivan.

Staff: Mark Hamilton (786-7310).

Background: In 1982, the President's Task Force on Victims of Crime recommended an amendment to the Constitution of the United States addressing the rights of victims. In 1989, the citizens of Washington adopted an amendment to the state Constitution granting a number of rights to victims of felony crimes and to the families of victims. The current amendment was introduced January 21, 1997, as Senate Joint Resolution 6, by Senators John Kyl (R-Ariz.) and Dianne Feinstein (D-Cal.). It provides six basic rights for victims of crimes: (1) be informed of criminal proceedings; (2) be present during court proceedings; (3) make statement at bail hearing, acceptance of plea bargain, or sentencing; (4) be notified, present, and heard at parole hearings; (5) be notified of release or escape; and (6) be informed of these rights.

Summary of Bill: Requests that Congress adopt the proposed victims' rights amendment to the U.S. Constitution, and submit it to the states for ratification.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current patchwork system of victim rights protections, which vary widely from state to state and jurisdiction to jurisdiction, fosters unequal treatment of crime victims. A study by the National Victim Center concluded that the statutes and even state constitutional provisions which make up this patchwork insufficiently guarantee victims' rights. Victims will be more likely to report crimes and cooperate in prosecutions if they are assured fair treatment by the judicial system. The amendment would force courts to balance the respective constitutional rights of the parties, including defendants, victims, and the media. Similar measures requesting the amendment's adoption are pending before the Legislatures of California, Florida, Ohio, and New Jersey; and Alaska has already passed one.

Testimony Against: None.

Testified: Representative Jeralita Costa, prime sponsor; and Jenny Wieland, Mothers Against Violence in America.