

LEGISLATIVE RESOLUTION 21CA

PROPOSED CONSTITUTIONAL AMENDMENT

Passed by the Legislature March 13, 1995

Introduced by Pirsch, 10; Abboud, 12; Avery, 3; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Maurstad, 30; McKenzie, 34; Pedersen, 39; Robak, 22; Robinson, 16; Schellpeper, 18; Schmitt, 41; Stuhr, 24; Wehrbein, 2; Witek, 31

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the primary election in May 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 28 to Article I:

I-28 "(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the implementation of the rights granted in this section. There shall be no remedies other than as specifically provided by the Legislature for the enforcement of the rights granted by this section.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prescribe that crime victims shall have certain rights. A crime victim or his or her guardian or representative would have the right to be informed of all criminal court proceedings, the right to be present at trial unless the trial court finds that keeping the victim out is necessary for a fair trial for the defendant, and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. The Legislature would be required to pass laws for implementation of such rights. There would be no remedies other than as specifically provided by the Legislature for the enforcement of such rights.

For
Against".