AN ACT proposing to create a new section of the Constitution of Kentucky relating
to crime victims' rights.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO
THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

To secure for victims of criminal acts or public offenses justice and due process
and to ensure crime victims a meaningful role throughout the criminal and juvenile
justice systems, a victim, as defined by law which takes effect upon the enactment of
this section and which may be expanded by the General Assembly, shall have the
following rights, which shall be respected and protected by law in a manner no less
vigorous than the protections afforded to the accused in the criminal and juvenile
justice systems: victims shall have the reasonable right, upon request, to timely notice
of all proceedings and to be heard in any proceeding involving a release, plea,
sentencing, or other matter involving the right of a victim other than grand jury
proceedings; the right to be present at the trial and all other proceedings, other than
grand jury proceedings, on the same basis as the accused; the right to proceedings free
from unreasonable delay; the right to consult with the attorney for the Commonwealth
or the attorney's designee; the right to reasonable protection from the accused and
those acting on behalf of the accused throughout the criminal and juvenile justice
process; the right to timely notice, upon request, of release or escape of the accused;
the right to have the safety of the victim and the victim’s family considered in setting
bail, determining whether to release the defendant, and setting conditions of release
after arrest and conviction; the right to full restitution to be paid by the convicted or
adjudicated party in a manner to be determined by the court; the right to fairness and
due consideration of the crime victim's safety, dignity, and privacy; and the right to be
informed of these enumerated rights, and shall have standing to assert these rights.
The victim, the victim's attorney or other lawful representative, or the attorney for the
Commonwealth upon request of the victim may seek enforcement of the rights enumerated in this section and any other right afforded to the victim by law in any trial or appellate court with jurisdiction over the case. The court shall act promptly on such a request and afford a remedy for the violation of any right. Nothing in this section shall afford the victim party status, or be construed as altering the presumption of innocence in the criminal justice system. The accused shall not have standing to assert the rights of a victim. Nothing in this section shall be construed to alter the powers, duties, and responsibilities of the prosecuting attorney. Nothing in this section or any law enacted under this section creates a cause of action for compensation, attorney's fees, or damages against the Commonwealth, a county, city, municipal corporation, or other political subdivision of the Commonwealth, an officer, employee, or agent of the Commonwealth, a county, city, municipal corporation, or any political subdivision of the Commonwealth, or an officer or employee of the court. Nothing in this section or any law enacted under this section shall be construed as creating:

(1) A basis for vacating a conviction; or

(2) A ground for any relief requested by the defendant.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question to be submitted to the voters shall read as follows: "Are you in favor of providing constitutional rights to victims of crime, including the right to be treated fairly, with dignity and respect, and the right to be informed and to have a voice in the judicial process?"