



# HOUSE BILL 551: Strengthening Victims' Rights.

2017-2018 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House. If favorable, re-refer to Judiciary I	<b>Date:</b>	April 26, 2017
<b>Introduced by:</b>	Reps. Dollar, R. Turner, Destin Hall, Earle	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	PCS to First Edition H551-CSTT-22		Legislative Analyst

**OVERVIEW:** *The PCS for House Bill 551 would allow voters to determine if crime victims' rights enumerated in the State Constitution should be amended.*

**BILL ANALYSIS:** Section 37 of the North Carolina Constitution guarantees rights to victims of crime, as prescribed by law. The law is the Crime Victims' Rights Act. Current law is indicated by a ●.

**The PCS for House Bill 551** would place a constitutional amendment on the November 2018 ballot to expand the rights of victims. The proposed changes are indicated by a ►.

- (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, or when a defendant may be released.
- (c) The right to receive restitution.

**The PCS for House Bill 551** would:

- Amend the law to include juvenile proceedings.
  - Guarantee notice, upon request (as in statute).
  - Afford a victim the right to be present at any proceeding.
  - Afford a victim the right to be heard at certain proceedings.
  - Guarantee full and timely restitution by the defendant.
- (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.
    - The PCS would require a request for the information (as in statute).
  - (g) The right to express views to the Governor or appropriate agency considering release.
  - (h) The right to confer with prosecution.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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**The PCS for House Bill 551** would:

- ▶ Guarantee reasonable protection from the accused.
- ▶ Guarantee prompt proceedings without unnecessary delay.
- ▶ Guarantee fairness, dignity, and privacy.
- ▶ Authorize judicial review of victim rights violations.
- ▶ Provide a District Attorney an opportunity to resolve the issue prior to judicial review.

Article 46 of Chapter 15A is the Crime Victims' Rights Act. The Act currently only applies to victims of specific charged offenses. The Act applies to victims of:

- 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.

**The PCS for House Bill 551** would:

- ▶ Define "victim" to include any person directly harmed of certain crimes.
- ▶ Apply victims' rights to victims of all felonies.
- ▶ Apply victims' rights to victims of any sex offense, stalking, or any crime with assault as an element (as in statute).
- ▶ Include victims of domestic criminal trespass, and stalking (as in statute).

**EFFECTIVE DATE:** This act is effective when it becomes law, and would be submitted to voters in the November, 2018 election.