ENROLLED
SENATE JOINT RESOLUTION 24

ENACTED BY THE
SECOND REGULAR SESSION
OF THE
45TH LEGISLATURE OF THE
STATE OF OKLAHOMA

NUMBERED BY THE
SECRETARY OF STATE

STATE QUESTION NO. 674
LEGISLATIVE REFERENDUM NO. 304

Received: April 25, 1996
A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 34; providing for Bill of Rights for victims; authorizing enactment of certain laws; clarifying scope of constitutional provisions; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article II of the Constitution of the State of Oklahoma by adding a new Section 34 to read as follows:

Section 34. A. To preserve and protect the rights of victims to justice and due process, and ensure that victims are treated with fairness, respect and dignity, and are free from intimidation, harassment, or abuse, throughout the criminal justice process, any victim or family member of a victim of a crime has the right to know the status of the investigation and prosecution of the criminal case, including all proceedings wherein a disposition of a case is likely to occur, and where plea negotiations may occur. The victim or family member of a victim of a crime has the right to know the location of the defendant following an arrest, during a prosecution of the criminal case, during a sentence to probation or confinement, and when there is any release or escape of the defendant from confinement. The victim or family member of a victim of a crime has a right to be present at any proceeding where the defendant has a right to be present, to be heard at any sentencing or parole hearing, to be awarded restitution by the convicted person for damages or
losses as determined and ordered by the court, and to be informed by
the state of the constitutional rights of the victim.

B. An exercise of any right by a victim or family member of a
victim or the failure to provide a victim or family member of a
victim any right granted by this section shall not be grounds for
dismissing any criminal proceeding or setting aside any conviction or
sentence.

C. The Legislature, or the people by initiative or referendum,
has the authority to enact substantive and procedural laws to define,
implement, preserve and protect the rights guaranteed to victims by
this section, including the authority to extend any of these rights
to juvenile proceedings and if enacted by the Legislature, youthful
offender proceedings.

D. The enumeration in the Constitution of certain rights for
victims shall not be construed to deny or disparage other rights
granted by the Legislature or retained by victims.

SECTION 2. The Ballot Title for the proposed Constitutional
amendment as set forth in SECTION 1 of this resolution shall be in
the following form:

BALLOT TITLE

Legislative Referendum No. _______ State Question No. _______

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the State Constitution. The
measure seeks to preserve and protect the rights of
crime victims. Victims would be required to be treated
with fairness, respect and dignity. Victims would be
free from intimidation, harassment or abuse. A victim
would be given notice when an accused or convicted
person is going to be released from custody. A victim
would be afforded certain rights. The measure would
ensure that victims have a role in the criminal justice
process. Victims would have a right to be paid back
for loss due to crimes. The Legislature and the people
of Oklahoma would be given the right to pass laws to
implement the rights of victims. The Legislature and
the people of Oklahoma could extend these victim
protections to proceedings relating to youth.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE AMENDMENT
☐ NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate, immediately
after the passage of this resolution, shall prepare and file one copy
thereof, including the Ballot Title set forth in SECTION 2 hereof,
with the Secretary of State and one copy with the Attorney General.
Passed the Senate the 22nd day of April, 1996.

    [Signature]
    ACTING President of the Senate

Passed the House of Representatives the 23rd day of April, 1996.

    [Signature]
    Speaker of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 25th day of April, 1996,
at 9:40 o'clock A.M.

    [Signature]

By: 

ENR. S. J. R. NO. 24
Drew Edmondson  
Attorney General of Oklahoma  

FILED  

June 4, 1996  

Mr. Tom Cole, Secretary of State  
Office of the Secretary of State  
101 State Capitol Building  
Oklahoma City, Oklahoma 73105  

Re: Ballot Title for State Question No. 674,  
Legislative Referendum No. 304  

Dear Secretary Cole:  

Having found that the suggested Ballot Title for the above-referenced State Question was not in harmony with the law, we have, in accordance with the provisions of 34 O.S.Supp.1994, § 9(C)(1), prepared the following substitute Ballot Title for filing in your office. As a Title 34 Ballot Title review, the following does not constitute an Attorney General’s Opinion on the merits or constitutionality of the underlying proposed change in the law. The substitute Ballot Title reads as follows:  

BALLOT TITLE  

This measure adds a new section to the State Constitution. The measure deals with the rights of victims of crime. The measure seeks to protect victims’ rights that exist under court decisions. It also seeks to insure that victims are treated with respect and dignity in the criminal justice process.  

To achieve these goals, crime victims and their families would have certain rights, including the following.  

1. The right to know the status of the prosecution and investigation.  

2. The right to know the location of the defendant from arrest through the serving of a sentence.
3. The right to be present at proceedings where the defendant has a right to be present.

4. The right to be informed when a defendant escapes or is released.

5. The right to be heard at sentencing and parole hearings.

The exact nature of these and other rights and the procedures giving them effect would be set up by the Legislature or by the people through initiative or referendum. The Legislature or the people would also prescribe those responsible for following the established procedures.

Either the Legislature or the people could extend any victims’ rights to youthful offender proceedings.

SHALL THE PROPOSED AMENDMENT BE APPROVED?

__________________________  For the Amendment - YES

__________________________  Against the Amendment - NO

Sincerely,

[Signature]

W.A. Drew Edmondson
Attorney General

WAE:NL:rs