

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

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 24

By: Douglass, Shurden, Long  
(Lewis) and Wilkerson of the  
Senate

and

Breckinridge, Bryant, Adair,  
Settle, Dunlap, Reese,  
Greenwood, Perry, Askins,  
Thornbrugh, Adkins, Case,  
Claunch, Coleman, Cotner,  
Dank, Glover, Graves,  
Miller, O'Neal, Paulk,  
Pettigrew, Pope (Tim),  
Ramsey, Rhodes, Roach,  
Satterfield, Smaligo,  
Stottlemire, Tyler, Vaughn,  
Weaver and Wells of the  
House

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.

Herb Roll  
ACTING President of the Senate

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

Jim R. Glover  
Speaker of the House of  
PRO TEMPORE Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this \_\_\_\_\_

25<sup>th</sup> day of April, 1996,

at 9:40 o'clock A.M.

Paula Wauer

By: \_\_\_\_\_



DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

**FILED**

June 4, 1996

JUN 4 1996

OKLAHOMA SECRETARY  
OF STATE

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.



Mr. Tom Cole, Secretary of State  
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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,



**W.A. DREW EDMONDSON  
ATTORNEY GENERAL**