



221118

CRC ACTION

Commissioner .
.
.
Floor: 1A/AD .
03/20/2018 03:30 PM .
.

Commissioner Cerio moved the following:

CRC Amendment to Amendment (350914)

Delete lines 49 - 135
and insert:

(6) A victim shall have the following specific rights upon request:

a. The right to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if the victim will be a witness at the proceeding, notwithstanding any rule to the



221118

12 contrary. A victim shall also be provided reasonable, accurate,
13 and timely notice of any release or escape of the defendant or
14 delinquent, and any proceeding during which a right of the
15 victim is implicated.

16 b. The right to be heard in any public proceeding involving
17 pretrial or other release from any form of legal constraint,
18 plea, sentencing, adjudication, or parole, and any proceeding
19 during which a right of the victim is implicated.

20 c. The right to confer with the prosecuting attorney
21 concerning any plea agreements, participation in pretrial
22 diversion programs, release, restitution, sentencing, or any
23 other disposition of the case.

24 d. The right to provide information regarding the impact of
25 the offender's conduct on the victim and the victim's family to
26 the individual responsible for conducting any presentence
27 investigation or compiling any presentence investigation report,
28 and to have any such information considered in any sentencing
29 recommendations submitted to the court.

30 e. The right to receive a copy of any presentence report,
31 and any other report or record relevant to the exercise of a
32 victim's right, except for such portions made confidential or
33 exempt by law.

34 f. The right to be informed of the conviction, sentence,
35 adjudication, place and time of incarceration, or other
36 disposition of the convicted offender, any scheduled release
37 date of the offender, and the release of or the escape of the
38 offender from custody.

39 g. The right to be informed of all postconviction processes
40 and procedures, to participate in such processes and procedures,



221118

41 to provide information to the release authority to be considered
42 before any release decision is made, and to be notified of any
43 release decision regarding the offender. The parole or early
44 release authority shall extend the right to be heard to any
45 person harmed by the offender.

46 h. The right to be informed of clemency and expungement
47 procedures, to provide information to the governor, the court,
48 any clemency board, and other authority in these procedures, and
49 to have that information considered before a clemency or
50 expungement decision is made; and to be notified of such
51 decision in advance of any release of the offender.

52 (7) The rights of the victim, as provided in subparagraph
53 (7)a., subparagraph (7)b., or subparagraph (7)c., that apply to
54 any first appearance proceeding are satisfied by a reasonable
55 attempt by the appropriate agency to notify the victim and
56 convey the victim's views to the court.

57 (8) The right to the prompt return of the victim's property
58 when no longer needed as evidence in the case.

59 (9) The right to full and timely restitution in every case
60 and from each convicted offender for all losses suffered, both
61 directly and indirectly, by the victim as a result of the
62 criminal conduct.

63 (10) The right to proceedings free from unreasonable delay,
64 and to a prompt and final conclusion of the case and any related
65 postjudgment proceedings.

66 a. The state attorney may file a good faith demand for a
67 speedy trial and the trial court shall hold a calendar call,
68 with notice, within fifteen days of the filing demand, to
69 schedule a trial to commence at a date at least five days but no



221118

70 more than sixty days after the date of the calendar call unless
71 the trial judge enters an order with specific findings of fact
72 justifying a trial date more than sixty days after the calendar
73 call.

74 b. All state-level appeals and collateral attacks on any
75 judgment must be complete within two years from the date of
76 appeal in non-capital cases and five years in capital cases,
77 unless a court enters an order with specific findings as to why
78 the court was unable to comply with this subparagraph and the
79 circumstances causing the delay. Each year, the chief judge of
80 any district court of appeal or the chief justice of the supreme
81 court shall report on a case-by-case basis to the speaker of the
82 house of representatives and the president of the senate all
83 cases where the court entered an order regarding inability to
84 comply with this subparagraph. The legislature may enact
85 legislation to implement this subparagraph.

86 (11) The right to be informed of these rights, and to be