

## Jay Howell & Associates

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### THE CONSTITUTIONAL AMENDMENT FOR VICTIMS OF CRIME

Our own state of Florida and twenty others have now adopted amendments to their state constitutions concerning the rights of crime victims. Florida was the first to pass such an amendment in 1988. Ninety percent of the citizens of Florida approved the measure, which was on the Fall ballot. Simply stated, Florida's constitutional amendment provides that the victim, or the next of kin of a homicide victim, shall have the right to be informed, present, and heard at the crucial stages of criminal proceedings. The enactment of this constitutional protection has given crime victims in the state of Florida substantial assistance in their efforts to effectively participate in the criminal justice system.

On April 22 of this year, a press conference was held in the U.S. Capitol to unveil a new effort to amend the United States Constitution. Senators Kyle of Arizona, Feinstein of California, and Congressman Hyde of Illinois introduced language which would amend the United States Constitution and provide crime victims with basic participatory rights in the criminal justice system. The following day the United States Senate conducted the first hearings on the proposed amendment. The effort is endorsed by the National Office of Mothers Against Drunk Driving, the National Organization for Victim Assistance, the National Victims' Center, and a host of crime victim organizations throughout the country.

Because the rights of the accused are enshrined in the federal Constitution, it is essential that the rights of crime victims be given a similar status. Victims testifying before the Senate Judiciary Committee told the members that the time has come for victims to have a balanced voice with criminal defendants, which will only happen when the rights of crime victims are guaranteed in the same document - The United States Constitution.

If the United States Congress approves such an amendment, it will be necessary for the legislatures of three

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fourths of the states to ratify the proposal.

In Florida, our task will be to convince our elected United States Senators and Congressional Representatives of the need for a federal constitutional amendment for crime victims. Additionally, we will need to approach the Florida legislature before the 1997 session in order to seek the passage of a resolution supporting the amendment. I have drafted such a resolution for the upcoming legislative session. The history of this country has taught us that constitutional provisions are necessary to protect fundamental rights. If we are to see the day when the rights of crime victims are truly embraced and honored in our criminal justice system, then we must devote our efforts to the passage of a federal constitutional amendment for crime victims.