

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 426

BY GIDDINGS AND ZITO

AN ACT

1 RELATING TO CRIME VICTIM PROTECTIONS; AMENDING CHAPTER 1, TITLE 19, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 19-111, IDAHO CODE, TO PROVIDE
3 THAT CRIME VICTIMS SHALL HAVE CERTAIN PROTECTIONS, TO PROVIDE FOR THE
4 ASSERTION AND ENFORCEMENT OF PROTECTIONS, TO DEFINE A TERM AND TO PRO-
5 VIDE THAT CERTAIN RIGHTS AND LEGAL ACTIONS WILL NOT BE AFFECTED.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 1, Title 19, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 19-111, Idaho Code, and to read as follows:

11 19-111. GOVERNMENT OBLIGATIONS TO PROTECT CRIME VICTIMS. (1) The
12 state government is obligated to provide the following protections to crime
13 victims:

14 (a) To be treated with fairness, respect, dignity and privacy through-
15 out the criminal process;

16 (b) To timely disposition of the case;

17 (c) To reasonable and timely prior notification, upon request, of trial
18 court, appellate, post-conviction, pardon, commutation and parole pro-
19 ceedings, to information about the sentence and incarceration of the
20 accused and to reasonable and timely notification of the escape, ab-
21 sconsion and release of the accused;

22 (d) To be present at all public criminal justice proceedings;

23 (e) To confer with the prosecution;

24 (f) To be heard, upon request, at all public criminal justice proceed-
25 ings involving a plea, sentencing, parole, post-conviction relief, in-
26 carceration or release of the accused and at any public proceeding dur-
27 ing which a right of the victim is implicated;

28 (g) To fair and timely restitution, as provided by law, from the person
29 committing the offense that caused the victim's loss;

30 (h) To refuse an interview, ex parte contact, or other request by the
31 accused, or any other person acting on behalf of the accused;

32 (i) To a reasonable and timely opportunity to read the presentence re-
33 ports relating to the crime;

34 (j) To reasonable protection from the accused and those acting on be-
35 half of the accused; and

36 (k) To the same protections in juvenile proceedings, where the offense
37 would be a crime if committed by an adult, as guaranteed in this section.

38 (2) The crime victim, the crime victim's attorney or other lawful rep-
39 resentative or the attorney for the government upon request of the crime vic-
40 tim may assert and seek enforcement of the protections enumerated in this
41 section and any other right afforded to the crime victim by law, which shall
42 be acted upon promptly.

1 (3) As used in this section, a "crime victim" means any person directly
2 harmed by the commission of a felony, or a misdemeanor involving physical in-
3 jury, threatened physical injury or a sexual offense, or a person against
4 whom such an offense is committed and may be further expanded in law.

5 (4) Nothing in this section is intended to or shall be interpreted to
6 supersede an accused's federal constitutional rights, nor to afford a crime
7 victim an independent right to be heard as a party during trial.

8 (5) Nothing in this section shall be construed to authorize a court to
9 dismiss a case, to set aside or void a finding of guilt or an acceptance of
10 a plea of guilty, or to afford a convicted person appellate, habeas corpus,
11 or other relief from any criminal judgment; nor be construed as creating a
12 cause of action for money damages, costs or attorney fees against the state,
13 a county, a municipality, any agency, instrumentality or person; nor be
14 construed as limiting any rights for crime victims previously conferred by
15 statute. This section shall be self-enacting. The legislature shall have
16 the power to enact laws to further implement, preserve and expand the protec-
17 tions guaranteed to crime victims in the provisions of this section.