



SENATE JOINT RESOLUTION 8200

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8200 begins on page 14.

Vote cast by the 1989 Legislature on final passage:

HOUSE: Yeas, 97; Nays, 0; Absent or not voting, 1.

SENATE: Yeas, 43; Nays, 0; Absent or not voting, 6.

Statement for

VICTIMS OF CRIME DESERVE RIGHTS WHICH ARE PROTECTED BY THE WASHINGTON STATE CONSTITUTION

Many victims of crime have expressed regret at having insufficient involvement in the prosecution of criminal cases because victims have very few rights. This amendment to the Washington State Constitution will establish and protect the rights of crime victims. The resolution will give our citizens more confidence that our criminal justice system is truly fair.

VICTIMS SHOULD BE GIVEN REASONABLE ACCESS TO THE CRIMINAL JUSTICE SYSTEM

We cannot have an effective criminal justice system without the active participation of crime victims. Victims are able to explain the impact of the crimes on their lives and the resulting trauma to their families. The courts need to understand the full ramifications of the crime committed. It is also time that this state recognizes that crime victims have an inherent right to participate in the sentencing of criminal offenders.

SJR 8200 WILL GIVE VICTIMS OF CRIME A VOICE IN THE CRIMINAL JUSTICE SYSTEM

Victims of felonies will have the right to be informed of the time and date of trial, and all other proceedings which the defendant has the right to attend. A victim may attend all criminal proceedings, subject to the discretion of the judge. A victim may also make a statement at the defendant's sentencing and at any hearing where the de-

Official Ballot Title:

Shall the State Constitution be amended to provide that victims of charged felony crimes shall have certain basic fundamental rights?

The law as it now exists:

The Washington State Constitution does not contain any provisions specifically relating to victims of crime nor does it create any victims' rights.

endant's release is being considered. Nothing in this resolution will slow prosecutions or be cause for a reversal of a conviction.

VOTE "YES" ON SJR 8200

Victims of crime who are involved in the judicial process deserve the right to be treated with dignity, respect and fairness. A "YES" vote will ensure that victims of crime are afforded meaningful involvement in the critical stages of the criminal justice process.

Voters Pamphlet Statement Prepared by:

KENT PULLEN, State Senator; JAY R. INSLEE, State Representative; KEN EIKENBERRY, Attorney General.

The effect of SJR 8200, if approved into law:

This measure would amend the State Constitution to declare certain basic fundamental rights for victims of a crime which is charged as a felony. A felony is now defined as a crime punishable by one year or more of imprisonment. A victim would be entitled, after giving notice to the prosecuting attorney, to be informed of, and subject to the discretion of the court, the right to: (1) attend trial and all other court proceedings that the defendant has a right to attend; (2) make a statement at the time of sentencing and any proceeding where a defendant's release is considered. Such statements would be subject to rules of procedure.

If the victim is deceased, incompetent, unable to attend, or is a minor, a representative can be designated to exercise the victim's rights.

Statement against

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Senate Joint Resolution 8200 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



SENATE JOINT RESOLUTION 8200 PROPOSED CONSTITUTIONAL AMENDMENT

THE HOUSE OF REPRESENTATIVES HAS PASSED SENATE JOINT RESOLUTION 8200 ON APRIL 2, 1982. THE SENATE HAS PASSED SENATE JOINT RESOLUTION 8200 ON APRIL 2, 1982. THE SENATE HAS PASSED SENATE JOINT RESOLUTION 8200 ON APRIL 2, 1982.

Statement for

STRENGTHENING THE JUDICIAL CONDUCT COMMISSION WILL RESTORE PUBLIC CONFIDENCE

As a result of the judicial misconduct by judges that has occurred in the past and as a result of the public confidence in the judicial system, the Commission on Judicial Conduct was established to investigate and report on the conduct of judges and the public confidence in the judicial system. The Commission on Judicial Conduct will be a public body and will be composed of judges and lay members. The Commission on Judicial Conduct will be a public body and will be composed of judges and lay members. The Commission on Judicial Conduct will be a public body and will be composed of judges and lay members.

ALL HAVE MADE IMPROVEMENTS IN THE COMMISSION AND ITS OPERATIONS

The Commission on Judicial Conduct has made improvements in its operations and its effectiveness. The Commission on Judicial Conduct has made improvements in its operations and its effectiveness. The Commission on Judicial Conduct has made improvements in its operations and its effectiveness. The Commission on Judicial Conduct has made improvements in its operations and its effectiveness.

which the article is used. The moneys collected as a result of the increase specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION. Sec. 10. IMPLEMENTATION OF INCREASED TAXES. The director of revenue shall immediately take all necessary steps, within the authority granted to the director under RCW 82.01.060, to ensure that any new or increased taxes imposed to carry out the purposes of this act are assessed and collected on the applicable effective date of such tax increases.

NEW SECTION. Sec. 11. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

NEW SECTION. Sec. 13. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 14. SHORT TITLE. This act shall be known as the children's initiative act.

NEW SECTION. Sec. 15. LEGISLATIVE DIRECTIVE. Sections 1 through 3 and 5 through 7 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 16. EFFECTIVE DATE. This act shall take effect June 1, 1990.



COMPLETE TEXT OF Senate Joint Resolution No. 8200

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article I, section -- of the Constitution of the state of Washington to read as follows:

Article I, section --. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representa-

tive to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF Senate Joint Resolution No. 8202

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 31 of the Constitution of the state of Washington to read as follows:

Article IV, section 31. ~~(There shall be a commission on judicial conduct consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and four persons who are not attorneys appointed by the governor and confirmed by the senate.~~

~~The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties.~~

~~The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the commission on judicial conduct recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.~~

~~Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.~~

~~Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.~~

~~The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.)~~