

Name: \_\_\_\_\_ Date: \_\_\_\_\_

### Proposed Constitutional Amendment: Victims' Rights

For the last several sessions of Congress, lawmakers have proposed a victims' rights amendment to the U.S. Constitution. It would require passage by two-thirds of both houses of Congress and ratification by three-fourths of the state legislatures. The amendment, if passed, would give victims of violent crimes the right to:

- Be given notice of and to attend any public hearing.
- Be heard at the hearings and to submit statements at any hearing determining release from custody, a negotiated plea, a sentence, or parole.
- Notice of any release or escape from custody.
- Not have unreasonable delays in the trial.
- Restitution from the convicted offender.
- Consideration for the safety of the victim in determining any release from custody.

Supporters of the amendment believe it will finally enshrine in the Constitution basic rights for victims of crime. These will be rights that no state may deny. They view the amendment as restoring the balance between the rights of criminal defendants and victims.

Critics of the amendment think it provides nothing that most states don't already guarantee by law. Most troubling to critics is that the law forces *all* states to comply. Others worry about the amendment's vagueness and how courts will have to interpret what these rights mean.

Questions:

1. What is the proposed victims' rights amendment to the U.S. Constitution?
2. What are the strongest arguments in favor of the amendment?
3. What are the strongest arguments against it?
4. In your opinion, is the amendment, as proposed, a good idea? Explain why or why not.

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### **Victims' Stories**

**Directions: Read the excerpts below of victims' recounting their experiences with crime. Then, answer the questions that follow.**

#### **Robbery: Harry's Story**

"My dad and I were walking to meet my brother at a cafe where we went to lunch a lot...When my dad opened the cafe's door, a guy grabbed him and pulled him in. I turned and started to walk away, but a guy came out, pointed a sawed-off shotgun at me, and ordered me into the cafe. I did what he said. Inside, he threw me on the ground and pressed the shotgun against my head. All the customers in the cafe — about 25 people — were lying on the ground. There were seven robbers, all with guns. They went around from person to person grabbing wallets and jewelry. One man didn't like how they had talked to his wife. When he objected, a guy hit him with his gun. I lay there thinking, 'I hope the cops don't come until these guys get outside.' I was afraid of being taken hostage. They took my wallet, refused my old watch, and tried and failed to get my ring off. It stuck on my finger. They didn't want to spend any more time in the cafe, so they left. We had come in near the end of the robbery. The next day I had a large knot on my head. I don't understand why. The guy had just pressed his gun against my head. He didn't hit me. My dad had lost a ring he had owned his whole life. My brother to this day has never gone back to the cafe. The robbery shook up the owner so much that he sold the cafe to someone else."

#### **Burglary: Helen's Story**

"I was coming home from work on a Monday. My front door was unlocked. I walked in, and the first thing I noticed was my new tablet computer was missing. I thought, 'How dare she (my younger sister) take it out of this apartment without asking me!' Then I noticed clothes scattered in the hallway and thought, 'She must be doing the laundry, but why does she have to dump it in the hallway?' It wasn't until I walked into the bedroom that it dawned on me that we had been burglarized. The stuff in our nightstands was scattered on the bedroom floor. I ran into the living room to look for my TV and DVR. They were gone. I ran around the apartment — anything and every- thing of value they took. I was in shock and felt so helpless. The burglars had picked the lock to enter the apartment. So I replaced my deadbolt lock with a new one, which, according to the police, was 'practically unpickable.' A month later on another Monday, I came home to find my apartment burglarized again. They had not picked my unpickable lock. They had broken down the door with a crowbar. They took everything I had replaced and looked through places they had missed the first time. The police took fingerprints both times and came up with a suspect. But they haven't caught him yet. After the second burglary, I no longer felt safe. The thought of being invaded a third time was too much. So within a month, my sister and I moved to a new apartment in a different neighborhood."

#### **Identity Theft: Maureen's Story**

"On a Sunday afternoon we received a phone call questioning an unusual pattern of activity on our credit card. Neither my husband nor I had authorized or made the charges to the account. I was told our credit card would be canceled. Two months later we received a phone call from J.C. Penney's credit department advising us that an account had been opened using my husband's name and Social Security number. We were advised by J.C. Penney's to immediately contact the three major credit reporting bureaus to place fraud alerts on our credit reports. In speaking to the three credit bureaus, I discovered there had been 25 inquiries into our credit report in the previous 60 days. I requested that each credit reporting agency send

