

S 2329

Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Apr 21, 2004

Current Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Latest Action: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security. (Jun 28, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/2329>

Sponsor

Name: Sen. Kyl, Jon [R-AZ]

Party: Republican • **State:** AZ • **Chamber:** Senate

Cosponsors (37 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Bayh, Evan [D-IN]	D · IN		Apr 21, 2004
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Apr 21, 2004
Sen. Collins, Susan M. [R-ME]	R · ME		Apr 21, 2004
Sen. Craig, Larry E. [R-ID]	R · ID		Apr 21, 2004
Sen. Daschle, Thomas A. [D-SD]	D · SD		Apr 21, 2004
Sen. DeWine, Mike [R-OH]	R · OH		Apr 21, 2004
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 21, 2004
Sen. Feingold, Russell D. [D-WI]	D · WI		Apr 21, 2004
Sen. Feinstein, Dianne [D-CA]	D · CA		Apr 21, 2004
Sen. Frist, William H. [R-TN]	R · TN		Apr 21, 2004
Sen. Graham, Lindsey [R-SC]	R · SC		Apr 21, 2004
Sen. Grassley, Chuck [R-IA]	R · IA		Apr 21, 2004
Sen. Hatch, Orrin G. [R-UT]	R · UT		Apr 21, 2004
Sen. Kennedy, Edward M. [D-MA]	D · MA		Apr 21, 2004
Sen. Kerry, John F. [D-MA]	D · MA		Apr 21, 2004
Sen. Leahy, Patrick J. [D-VT]	D · VT		Apr 21, 2004
Sen. Lieberman, Joseph I. [D-CT]	D · CT		Apr 21, 2004
Sen. McConnell, Mitch [R-KY]	R · KY		Apr 21, 2004
Sen. Nelson, Bill [D-FL]	D · FL		Apr 21, 2004
Sen. Pryor, Mark L. [D-AR]	D · AR		Apr 21, 2004
Sen. Schumer, Charles E. [D-NY]	D · NY		Apr 21, 2004
Sen. Stabenow, Debbie [D-MI]	D · MI		Apr 21, 2004
Sen. Chambliss, Saxby [R-GA]	R · GA		Apr 22, 2004
Sen. Dole, Elizabeth [R-NC]	R · NC		Apr 22, 2004
Sen. Domenici, Pete V. [R-NM]	R · NM		Apr 22, 2004
Sen. Inhofe, James M. [R-OK]	R · OK		Apr 22, 2004
Sen. Kohl, Herb [D-WI]	D · WI		Apr 22, 2004
Sen. Landrieu, Mary L. [D-LA]	D · LA		Apr 22, 2004
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Apr 22, 2004
Sen. Lott, Trent [R-MS]	R · MS		Apr 22, 2004
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Apr 22, 2004
Sen. Nickles, Don [R-OK]	R · OK		Apr 22, 2004
Sen. Shelby, Richard C. [R-AL]	R · AL		Apr 22, 2004
Sen. Smith, Gordon H. [R-OR]	R · OR		Apr 22, 2004
Sen. Snowe, Olympia J. [R-ME]	R · ME		Apr 22, 2004
Sen. Wyden, Ron [D-OR]	D · OR		Apr 22, 2004
Sen. Cornyn, John [R-TX]	R · TX		Sep 7, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Jun 28, 2004

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act - Amends the Federal criminal code to provide that a crime victim has the following rights: (1) to be reasonably protected from the accused; (2) to reasonable, accurate, and timely notice of, and to not be excluded from, any public proceeding involving the crime or of any release or escape of the accused; (3) to be reasonably heard at any public proceeding involving release, plea, or sentencing; (4) to confer with the attorney for the Government in the case; (5) to full and timely restitution as provided in law; (6) to proceedings free from unreasonable delay; and (7) to be treated with fairness and with respect for his or her dignity and privacy. Directs the court to ensure that a victim is afforded these rights in any proceeding involving the offense and to clearly state on the record the reasons for any decision denying relief under this Act.

Requires officers and employees of the Department of Justice (DOJ) and other departments and agencies engaged in the detection, investigation, or prosecution of crime to make their best efforts to see that crime victims are notified of, and accorded, these rights. Requires the prosecutor to advise a crime victim of any material conflict of interest between the prosecutor and the victim, and to take reasonable steps to direct the victim to the appropriate legal referral, legal assistance, or legal aid agency. Provides that notice of release otherwise required under this Act shall not be given if it may endanger the safety of any person.

Authorizes the crime victim, the victim's lawful representative, and the Government attorney to assert the rights established under this Act. Directs the court, in a case where it finds that the number of victims makes it impracticable to accord all of the victims the rights contained in this Act, to fashion a procedure to give effect to this Act.

Authorizes the Government or the crime victim to apply for a writ of mandamus to the appropriate appeals court if a Federal court denies any right of a crime victim under this Act or under the Federal Rules of Criminal Procedure. Directs the court of appeals to decide such application and order such relief as necessary to protect the victim's ability to exercise these rights. Allows the Government, in any appeal in a criminal case, to assert as error the district court's denial of a victim's right in a proceeding. Provides that in no case shall a failure to afford a right under this Act provide grounds for a new trial.

Directs the Attorney General to promulgate regulations to enforce victims' rights and to ensure compliance by responsible officials with obligations respecting crime victims.

Repeals victims' rights provisions of the Victims' Rights and Restitution Act of 1990.

(Sec. 3) Amends the Victims of Crime Act of 1984 to authorize the Director of DOJ's Office for Victims of Crime (Office) to make grants to: (1) develop, establish, and maintain programs for the enforcement of crime victims' rights; and (2) develop and implement state-of-the-art systems for notifying crime victims of important dates and developments relating to criminal proceedings in a timely and efficient manner, provided that the jurisdiction has substantially equivalent provisions.

Authorizes appropriations for: (1) U.S. Attorneys Offices for Victim/Witnesses Assistance Programs; (2) the Office for enhancement of the Victim Notification System and for staff to administer the appropriation for the support of the National Crime Victim Law Institute or other specified organizations; and (3) the Office for support of the Institute and the establishment and operation of the Institute's programs to provide counsel for victims in criminal cases for the enforcement of crime victims' rights in Federal jurisdictions, and in States and tribal governments that have substantially

equivalent provisions, or for other substantially similar organizations.

(Sec. 4) Directs the Administrative Office of the United States Courts, for each Federal court, to annually report to Congress on: (1) the number of times that a right under this Act is asserted in a criminal case and the relief requested is denied (and the reason for such denial); and (2) the number of times a mandamus action is brought pursuant to this Act and the result reached.

Requires the Comptroller General to study and report to Congress on the effect and efficacy of the implementation of this Act on the treatment of crime victims in the Federal system.

Actions Timeline

- **Jun 28, 2004:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **Apr 26, 2004:** Received in the House.
- **Apr 26, 2004:** Message on Senate action sent to the House.
- **Apr 26, 2004:** Referred to the House Committee on the Judiciary.
- **Apr 22, 2004:** Considered by Senate. (consideration: CR S4260-4280)
- **Apr 22, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 96 - 1. Record Vote Number: 70.(text as passed Senate: CR S4279-4280)
- **Apr 22, 2004:** Passed Senate with an amendment by Yea-Nay Vote. 96 - 1. Record Vote Number: 70. (text as passed Senate: CR S4279-4280)
- **Apr 21, 2004:** Introduced in Senate
- **Apr 21, 2004:** Sponsor introductory remarks on measure. (CR S4230-4231)
- **Apr 21, 2004:** Introduced in the Senate and read twice and ordered held at desk by unanimous consent.