

HOUSE BILL No. 2321

By Committee on Judiciary

Requested by Representative Bohi on behalf of the Kansas Attorney General

2-7

1 AN ACT concerning victims of crime; providing that certain legal
2 violations relating to victims of crime are not grounds for appeal in a
3 criminal case; amending K.S.A. 74-7333 and repealing the existing
4 section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 74-7333 is hereby amended to read as follows: 74-
8 7333. (a) In order to ensure the fair and compassionate treatment of
9 victims of crime and to increase the effectiveness of the criminal justice
10 system by affording victims of crime certain basic rights and
11 considerations, victims of crime shall have the following rights:

12 (1) ~~Victims should~~ *shall* be treated with courtesy, compassion and
13 ~~with~~ respect for their dignity and privacy and should suffer the minimum
14 of necessary inconvenience from their involvement with the criminal
15 justice system.

16 (2) ~~Victims should~~ *shall* receive, through formal and informal
17 procedures, prompt and fair redress for the harm ~~which~~ *that* they have
18 suffered.

19 (3) Information *shall be made available to victims* regarding the
20 availability of criminal restitution, recovery of damages in a civil cause of
21 action, the crime victims compensation fund and other remedies and the
22 mechanisms to obtain such remedies ~~should be made available to victims~~.

23 (4) ~~Information should be made available to victims~~ *Reasonable*
24 *attempts shall be made to inform the victims* about their participation in
25 criminal proceedings and the scheduling, progress and ultimate disposition
26 of the proceedings.

27 (5) The views and concerns of victims ~~should~~ *shall* be ascertained,
28 and the appropriate assistance *shall be* provided throughout the criminal
29 process.

30 (6) When the personal interests of victims are affected, the views or
31 concerns of ~~the victim should~~ *such victims shall*, when appropriate and
32 consistent with criminal law and procedure, be brought to the attention of
33 the court.

34 (7) Measures ~~may~~ *shall* be taken when ~~necessary~~ *reasonable* to
35 provide for the safety of victims and their families and to protect them

1 from intimidation and retaliation.

2 (8) Enhanced training ~~should~~ *shall* be made available to sensitize
3 criminal justice personnel to the needs and concerns of victims, and
4 guidelines should be developed for this purpose.

5 (9) Victims ~~should~~ *shall* be informed of the availability of health and
6 social services and other relevant assistance ~~that they might in order to~~
7 continue to receive the necessary medical, psychological and social
8 assistance through existing programs and services.

9 ~~(10)(b)~~ Victims should report the crime and cooperate with law
10 enforcement authorities.

11 ~~(b)(c)~~ As used in this act, "victim" means any person who suffers
12 direct or threatened physical, emotional or financial harm as the result of
13 the commission or attempted commission of a crime against such person.

14 ~~(e)(d)~~ As used in this act and ~~as used~~ in article 15 of section 15 of the
15 Kansas constitution, the term "crime" shall not include violations of
16 ordinances of cities, except for violations of ordinances of cities ~~which~~
17 *that* prohibit acts or omissions ~~which that~~ are prohibited by articles 33, 34,
18 35 and 36 of chapter 21 of the Kansas Statutes Annotated, prior to their
19 repeal, or articles 53, 54, 55 or 56 of chapter 21 of the Kansas Statutes
20 Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-
21 6421, and amendments thereto, and as provided in subsection ~~(d)~~ *(e)*.

22 ~~(d)(e)~~ The governing body of any city ~~which that~~ has established a
23 municipal court shall adopt policies ~~which that~~ afford the rights granted to
24 victims of crime pursuant to this act, and, pursuant to article 15 of section
25 15 of the Kansas constitution, to victims of ordinance violations specified
26 in such policies.

27 ~~(e)(f)~~ Nothing in this act shall be construed as creating a cause of
28 action on behalf of any person against the state, a county, a municipality or
29 any of their agencies, instrumentalities or employees responsible for the
30 enforcement of rights as provided in this act. *A failure to provide a right,*
31 *service or notification that is required by law is not a ground for an appeal*
32 *of a conviction or sentence and is not a ground for any court to reverse or*
33 *modify a conviction or sentence.*

34 ~~(f)(g)~~ This section shall be known and may be cited as the bill of
35 rights for victims of crime act.

36 Sec. 2. K.S.A. 74-7333 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.