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Victims' rights measures put on 2008 ballot

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Without debate or dissent, the Oregon Senate approved two proposed constitutional amendments Wednesday that would give crime victims the ability to assert certain rights in court. The amendments will be on the May 2008 primary ballot.

The two measures, House Joint Resolutions 49 and 50, were the outgrowth of a decade-long legal and constitutional drama that began in 1996, when voters approved Measure 40, a series of constitutional amendments that dealt with the rights of crime victims and criminal defendants in Oregon courts.

The Oregon Supreme Court overturned Measure 40 in 1998 because it contained more than one amendment to the constitution. In 1999, the Legislature responded by approving several separate amendments.

One of those amendments sets out a series of crime victims' rights, including to be present at court proceedings when the defendant is present, to receive a transcript of any court proceeding in the case and to be consulted about plea negotiations involving a violent felony.

Although those and other crime victims' rights are set out in the constitution, there is no mechanism in the constitution for victims to assert those rights. One measure for the ballot would grant crime victims the right to assert a claim in court based on the constitution's list of victims' rights and would allow them to ask prosecutors to help them pursue the rights.

The measure also says that such actions cannot impede rights granted to defendants by the Oregon and U.S. Constitutions -- for example, the right to a speedy trial.

The other measure would grant crime victims the same right to assert claims in court based on a list of victims' rights in another section of the constitution. Those rights include the right to be "reasonably protected" from a defendant during the criminal justice process.

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