HAND DELIVERED

August 10, 2015

Hon. Shantel Krebs
Secretary of State
500 E. Capitol
Pierre, SD  57501

Re:  Attorney General’s Statement—Amendment to expand rights for crime victims

Dear Secretary Krebs,

This Office received an initiated constitutional amendment to expand rights for crime victims. The sponsor is Jason Glodt. Enclosed is a copy of the constitutional amendment, in final form, that was submitted to this Office. In accordance with SDCL 12-13-25.1, I hereby submit the Attorney General’s Statement with respect to this amendment.

By copy of this letter, I am providing a copy of the Attorney General’s Statement to the sponsor pursuant to SDCL 12-13-25.1.

Very truly yours,

Marty J. Jackley
ATTORNEY GENERAL

MJJ/PA/Ida
Enc.

cc w/enc.: Jason Glodt
          Jason Hancock, Director of LRC

Filed this 10th day of
August 2015

[Signature]
SECRETARY OF STATE
CONSTITUTIONAL AMENDMENT

ATTORNEY GENERAL’S STATEMENT

Title: An initiated amendment to the South Dakota Constitution to expand rights for crime victims

Explanation:

Currently, state statutes provide certain rights to crime victims. This measure expands these rights and places them in the State Constitution.

Under the amendment, the rights provided to a victim generally include: protection from harassment or abuse; the right to privacy; timely notice of all trial, sentence, and post-judgment proceedings including pardon or parole; the right to confer with the attorney for the government; and the opportunity to provide input during all phases of the criminal justice process. Victims will be given written notification of their rights.

The rights may be enforced by the victim, the victim’s attorney or representative, or the attorney for the government. They may be enforced in any trial court, appeals court, or other proceeding affecting the victim’s rights.

The definition of “victim” includes a person who suffers direct or threatened harm as the result of any crime, attempted crime, or act of juvenile delinquency. It also includes that person’s spouse, children, extended family members, guardians, and others with a substantially similar relationship.

If a victim’s rights provided by this amendment conflict with a criminal defendant’s rights under the South Dakota and United States Constitutions, a court may determine that the defendant’s rights take priority.