

New Mexico State Constitution - Victims' Rights

CONSTITUTION OF THE STATE OF NEW MEXICO ADOPTED JANUARY 21, 1911: ARTICLE II BILL OF RIGHTS : Sec. 24. [Victim's rights.] (1992)

A. A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration, criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim's representative shall have the following rights as provided by law:

1. the right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;
2. the right to timely disposition of the case;
3. the right to be reasonably protected from the accused throughout the criminal justice process;
4. the right to notification of court proceedings;
5. the right to attend all public court proceedings the accused has the right to attend;
6. the right to confer with the prosecution;
7. the right to make a statement to the court at sentencing and at any post-sentencing hearings for the accused;
8. the right to restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;
9. the right to information about the conviction, sentencing, imprisonment, escape or release of the accused;
10. the right to have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause; and
11. the right to promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property.

B. A person accused or convicted of a crime against a victim shall have no standing to object to any failure by any person to comply with the provisions of Subsection A of Section 24 of Article 2 of the constitution of New Mexico

C. The provisions of this amendment shall not take effect until the legislature enacts laws to implement this amendment. (As added November 3, 1992.)