

South Carolina Constitution

Victims' Bill of Rights

ARTICLE I

SECTION 24 (A). Victims' Bill of Rights.

- (A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:
- (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;
 - (2) be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;
 - (3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
 - (4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;
 - (5) be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;
 - (6) be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
 - (7) confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;
 - (8) have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;
 - (9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;
 - (10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;
 - (11) a reasonable disposition and prompt and final conclusion of the case;
 - (12) have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

- (B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, **and a wilful failure to comply with a writ of mandamus is punishable as contempt.**
- (C) For purposes of this section:
- (1) A victim's exercise of any right granted by this section is not grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.
 - (2) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime against him. The term "victim" also includes the person's spouse, parent, child, or lawful representative of a crime victim who is deceased, who is a minor or who is incompetent or who was a homicide victim or who is physically or psychologically incapacitated.
 - (3) The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.
 - (4) The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the General Assembly or retained by victims.