

33.02.01 Crime Victims Bill of Rights

A victim of crime has the right:

A. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse throughout the criminal justice process. INFORMATION AND NOTICE

B. To receive notice when the accused is arrested.

C. To be promptly informed of all criminal proceedings where the defendant has the right to be present, and of the cancellation of such hearings or proceedings.

D. To be informed of sentencing recommendations relating to the crime against the victim when they are available.

E. To be informed when the accused or convicted person is released from custody or has escaped.

F. To be informed by the prosecutor's office of the final disposition of the case.

G. To be informed that they may be eligible for available victim compensation or victim support programs.

H. To be informed of victims' rights under this title.

PARTICIPATION

I. To confer with the prosecution before trial and before any disposition of the case.

J. To be heard, or at the victim's choice, to present a recorded or written statement, at any proceeding involving a post-arrest release decision, a negotiated plea, sentencing, or post-conviction release from confinement.

K. To refuse to answer or respond to any questions at any pretrial interviews with the prosecution or defense that are meant to harass, intimidate, or gain information that could be used to harm the victim.

L. To be present at all criminal proceedings, except the trial if the victim has not yet testified. Crime victim testimony should be scheduled in such a way that allows the victim to be present for as much of the hearing as possible without disrupting the effective prosecution of the case.

M. To have a crime victim advocate or any other support person present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim, if such presence is practical and does not cause unnecessary delay. The role of any such Adopted on 5/23/22 Title 33 –

Crime Victim Rights Code - 3 support person is to provide emotional support, not to testify on behalf of the victim or intercede in the proceedings.

SAFETY

N. To be reasonably protected from the accused, and to be provided with information as to the level of protection available.

O. To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants.

P. To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered.

RESTITUTION

Q. To receive full and timely restitution upon order of the court from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.

R. To have stolen or other personal property promptly returned when no longer needed as evidence.

[HIST: Source – Resolution No. 22-A-074, passed 5/23/22.]