

## CRIME VICTIMS' RIGHTS

**Victim rights'** These provisions shall be construed to preserve and protect a victim's rights to justice and due process. This section does not limit any rights guaranteed in section 11-83. A Victim shall have and be entitled to assert each of the following rights.

- (a) **Victims' responsibility.** Victims have the right to be notified of the status of any criminal proceedings and to have the right to be heard at such proceedings. The crime victim advocate must inform the victim of the rights available. The rights are invoked by the victim, who must maintain an updated address and/or contact information with the relevant agency in order for the rights to apply.
- (b) **Notice of initial appearance.** The victim has the right to be notified of the date, time and place of the initial appearance.
- (c) **Notice of terms and conditions of release.** Upon request, the custodial agency or the prosecutor shall give the victim notice of the terms and conditions of release of the accused.
- (d) **Pretrial Notice.** The prosecutor shall give the victim notice of her victim rights', the charge(s), the procedural steps, what the victim must do and a contact person. If the prosecutor decides to drop the case, she must notify the victim and tell her why. The victim can request to confer with the prosecutor prior to dismissing the charges.
- (e) **Notice of criminal proceedings.** The prosecutor shall pass on notice of proceedings as received from the court.
- (f) **Notice of conviction, acquittal or dismissal and impact statement.** Within 15 days of the conviction, acquittal or dismissal, the prosecutor shall notify the victim. If the defendant is convicted, the prosecutor shall notify the victim of the right to submit and impact statement and what it should contain.
- (g) **Notice of post-conviction review and appellate proceedings.** Within 15 days, the prosecutor shall notify the victim of the sentence and give them a form to request release information. Any change in the sentence due to post-conviction proceedings or appellate review must be passed on to the victim.
- (h) **Notice of release on bond or escape.** The custodial agency shall, on request, notify the victim of release or escape and recapture of the defendant.
- (i) **Notice of prisoner's status.** The custodial agency shall, on request, notify the victim of the release date.
- (j) **Notice of post-conviction release.** The victim has, on request, a right to be notified of and heard at any meeting of the parole board concerning the defendant.
- (k) **Notice of probation modification.** The victim has, on request, a right to be notified of nay probation revocation hearing.
- (l) **Notice of release, discharge or escape from a mental health treatment agency.** Upon notice of such release, discharge or escape the tribal agency or crime victim advocate must, on request, give the victim ten days notice of the release or immediate notice of escape of a patient.
- (m) **Victims' property.** The victim's property that is being used as evidence shall be returned as soon as possible after final disposition of the criminal proceeding.
- (n) **Privileged information.**
  - 1. A crime victim advocate shall not disclose as a witness or otherwise any communication except compensation or restitution information between herself and the victim unless the victim consents in writing to the disclosure.
  - 2. Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda, except compensation or restitution information, that contain opinions, theories or their information made while advising, counseling or assisting the victim or that are based on the communication between the victim and the advocate.

3. The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory material.
  4. A defendant may make a motion for disclosure of privileged information if the court finds there is reasonable cause to believe the material is exculpatory, the court shall hold a hearing in camera. Material that the court finds is exculpatory shall be disclosed to the defendant.
  5. If, with the consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the crime victim advocate or any records, notes, documents, correspondence, reports or memoranda, the prosecutor or law enforcement agent shall disclose such material to the defendant's attorney only if such information is otherwise discoverable.
  6. Notwithstanding the provisions of subsections 1 and 2, if a crime victim advocate is employed or authorized by a prosecutor's office, the advocate may disclose information to the prosecutor with the oral consent of the victim.
- (o) **Victim protections.** The court shall provide appropriate safeguards to minimize contact between the victim and the accused. The protection extends to witnesses and family and covers the defendant's family and witnesses as well. The victim can petition to revoke the bond of the accused if he is harassing her or her immediate family. The victim has the right to refuse an interview with the defendant or his attorney or to set limits on the interview. After charges are filed, defense initiated request to interview the victim shall be communicated to the victim through the prosecutor. The victim's response to such requests shall also be communicated through the prosecutor. At any interview or deposition to be conducted by defense counsel, the victim has the right to specify a reasonable date, time, duration and location of the interview or disposition, including a requirement that the interview or deposition be held at the victim's home, at the prosecutor's office, or in an appropriate location in the courthouse. The victim does not have to divulge her address, phone number, employment or other location information in court.

\*Please retain for your records