

# Crime Victim's Bill of Rights



## VICTIMS HAVE THE RIGHT TO:

- Be treated fairly and with dignity by all criminal justice agencies involved in the case.
- Proceedings free from unreasonable delay.
- Be notified of the availability of victims' compensation, which is available under the Georgia Crime Victims Compensation Program at 1-800-547-0060 or [www.cjcc.ga.gov](http://www.cjcc.ga.gov)
- Be notified of the Georgia Crime Victims Bill of Rights.
- Be notified of community based victim service programs.
- Be notified of an arrest warrant being issued for the accused.
- Reasonable, accurate and timely notice of the arrest, release or escape of the accused.
- Reasonable, accurate and timely notice of any scheduled court proceedings or any changes to such proceedings.
- Not to be excluded from any scheduled court proceedings involving the accused, except as otherwise provided by law.
- Be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused.
- Refuse to submit to an interview by the accused, accused's attorney or agent of the accused.
- A waiting area, during judicial proceedings, that is separate from the accused and his or her relatives, friends, and witnesses.
- Complete a Victim Impact Statement and have it presented to the court prior to the trial or plea of the accused.
- File a written objection in any parole proceedings involving the accused.
- Confer with the prosecuting attorney in any criminal prosecution related to the victim.
- Restitution as provided by the law.
- Under certain conditions, be notified of the accused being on an electronic release and monitoring program.
- Be notified of the accused being prohibited from contacting the victim.

## LAW ENFORCEMENT RESPONSIBILITY

After a victim has made initial contact with law enforcement and court personnel, they shall make the following information available to the victim:

- That it is possible the accused may be released from custody prior to trial.
- That the victim has certain rights during the various stages of the criminal justice process and the means by which additional information about these stages may be obtained.
- That if an arrest of the accused is made, the arresting agency must advise of the investigating agency, if different, from the arresting agency. The investigating agency, upon receipt of that



information, must promptly notify the victim of the arrest.

- The custodial authority shall promptly notify the victim of the release of the accused, whenever possible.
- The availability of victim compensation, which is available under the Georgia Crime Victims Compensation Program at 1-800-547-0060 or [www.cjcc.ga.gov](http://www.cjcc.ga.gov)
- That a victim may have available to them Community Based Victim Service Programs.

#### PROSECUTION RESPONSIBILITY

During the prosecution phase of the criminal justice process, the prosecuting attorney has many requirements to keep a victim informed. It is the victim's responsibility to provide a current address and telephone number for the prosecuting attorney to supply the victim with the following:

- Advise the victim that he/she has the right to be present at all criminal proceedings in which the accused has the right to be present.
- Explain the procedural steps in processing a criminal case. Inform the victim of his/her rights under the law. Suggest procedures a victim should utilize if he/she is subjected to threats or intimidation and provide numbers and contact persons at the prosecuting attorney's office and custodial authority (if applicable).
- Notify the victim prior to any proceeding in which the release of the accused will be considered, and offer the victim the opportunity to express his/her opinion regarding the release of the accused.
- Advise the victim that if a court grants the accused a pretrial release or bond that the victim may file a written complaint at which time the prosecuting attorney may move the court to revoke the action.
- The court may, under certain circumstances, order that the victim's current address, telephone number, or place of employment not be released to the defendant by anyone including the defense counsel.
- The prosecuting attorney must offer the victim the opportunity to express his/her opinion regarding the disposition of an accused's case if it is a product of a plea bargain or it involved the accused's participation in a pretrial or post trial diversion program.
- Advise the victim which custodial authority he or she must provide a current telephone number and address.

Upon written request of the victim, the prosecuting attorney shall notify the victim of the following:

- That the accused has filed a motion for a new trial, an appeal of his/her conviction, or an extraordinary motion for a new trial.
- Whether the accused has been released on bail or other recognizance pending the disposition of the motion or appeal.
- The time and place of any appellate court proceedings relating to the motion or appeal and any changes in the time or place of those proceedings.
- The result of the motion or the appeal.



**CUSTODIAL RESPONSIBILITY:**

- The custodial responsibility shall promptly notify the victim of the accused's release from custody of the state or any county correctional facility.
- The custodial authority shall promptly notify the victim of an escape by the accused and his/her subsequent arrest.
- The State Board of Pardons and Paroles must provide the victim with 20 days advance notification whenever it considers making a final decision to grant parole or any other manner of clemency action to release a defendant for a period exceeding 60 days.
- The Board shall provide the victim with an opportunity to file a written objection in any parole proceedings involving the accused.

