

Victims' Bill of Rights Act of 2008: “Marsy's Law”

On 11/4/08, by enacting Proposition 9, referred to as the "Victims' Bill of Rights Act of 2008: Marsy's Law" the California citizens voted to provide victims of crimes with certain constitutional rights. By enacting Proposition 9, the California Constitution, Article I, Section 28 (b), has been amended and hereby confers the following rights to those who are victims of crime as defined in the constitution

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

To be reasonably protected from the defendant and persons acting on behalf of the defendant.

To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.

To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

To restitution.

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

To the prompt return of property when no longer needed as evidence.

To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

To be informed of the rights enumerated in paragraphs (1) through (16)

The above Marsy Rights are to be provided to each crime victim pursuant to Penal Code Section 679.026