



## **Marsy's Law Amendment 6 informational handout**

### **Victim's Rights**

**A “victim” is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed.**

**The term “victim” includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term “victim” does not include the accused. The terms “crime” and “criminal” include delinquent acts and conduct.**

**If you are a victim, you have a right to be informed of these rights and to seek the advice of an attorney regarding these rights.**

### **Summary of Victim’s Constitutional Rights**

The right to due process, and to be treated with fairness and respect for victim’s dignity;

The right to be free from intimidation, harassment, and abuse;

The right, within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused;

The right to have the safety and welfare of the victim and the victim’s family considered when setting bail, including pretrial release conditions that protect the safety and welfare of the victim and the victim’s family;

The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim’s family or which could disclose confidential or privileged information of the victim.

### **Upon request, a victim shall have the following specific rights:**

The right to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if the victim will be a witness at the proceeding, notwithstanding any rule to the contrary;

A victim shall also be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of the victim is implicated;

The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated;



The right to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case;

The right to provide information regarding the impact of the offender's conduct on the victim or the victim's family to the person responsible for conducting any presentence investigation or compiling presentence investigation report, and to have the information considered in any sentencing recommendations submitted to the court;

The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law;

The right to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody;

The right to be informed of and participate in all post-conviction processes and procedures and provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender;

The right to be informed of clemency and expungement procedures, to provide information to the governor, the court, and any clemency board, and other authority in the these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender;

The right to the prompt return of victim's property when no longer needed as evidence in the case;

The right to full and timely restitution from each convicted offender for all losses suffered, both directly and indirectly by the victim as a result of the criminal conduct;

The right to proceedings free from unreasonable delay and to a prompt and final conclusion of the case and any related post-judgment proceedings;

The right to be informed of these rights;

The right to seek the advice of an attorney with respect to victim's rights; and

The right to assert and seek enforcement of these rights and any other right afforded to a victim by law and to have the court or other authority with jurisdiction act promptly on such a request and to seek remedy for the violation of any right.

**If you would like to be informed of the booking and release of the defendant, contact Inmate Records at 727-464-6415, 24-hours-a-day, 7-days-a-week.**

**Advisory hearings are held seven days a week. For advisory information, contact Inmate Records at 727-464-6415. For all other court information, contact the Clerk of Circuit Court at 727-464-7000.**