

Victims' Bill of Rights Marsy's Law

The California Constitution, Article 1, Section 28, confers certain rights to victims of crime as they are defined in the law. Those rights include:

1. Fairness and Respect 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.

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

3. Victim Safety Considerations in Setting Bail and Release Conditions 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.

4. The Prevention of the Disclosure of Confidential Information 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.

5. Refusal to be Interviewed by the Defense 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.

6. Conference with the Prosecution and Notice of Pretrial Disposition 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.

7. Notice of and Presence at Public Proceedings 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.

8. Appearance at Court Proceedings and Expression of Views 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.

9. Speedy Trial and Prompt Conclusion of the Case To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

10. Provision of Information to the Probation Department 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.

11. Receipt of Pre-Sentence Report To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. Information About Conviction, Sentence, Incarceration, Release, and Escape 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.

13. 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.

14. The Prompt Return of Property To the prompt return of property when no longer needed as evidence.

15. Notice of Parole Procedures and Release on Parole 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.

16. Safety of Victim and Public are Factors in Parole Release 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.

17. Information About These 16 Rights To be informed of the rights enumerated in paragraphs (1) through (16). For more information on Marsy's Law, visit the Attorney General's website at: www.ag.ca.gov/victimservices

Community Resources

Crisis Hotlines

Kingsview Mental Health:

559-582-4481

Kings Community Action Crisis Center:

877-727-3225

Counseling:

Kingsview Mental Health Counseling:

559-582-4481

Domestic Violence Prevention:

877-727-3225

Lemoore Naval Family Service Center:

559-998-4042

Kings Community Action Organization:

559-585-1018

Emergency Shelter

Kings Co. Barbara Saville Shelter:

877-727-3225

Emergency Food:

Kings Co. Human Service Agency:

559-582-3241

Kings Community Action:

559-582-4386

Kings Co. Commission on Aging:

559-852-2828

Victim Compensation Program 800.777.9229

<http://www.vcgcb.ca.gov/victims/>

In accordance with Penal Code 13701; Victims of strangulation are encouraged to seek medical attention because strangulation can cause internal injuries.

KINGS COUNTY DISTRICT ATTORNEY VICTIM WITNESS ASSISTANCE PROGRAM



1400 W Lacey Blvd
Hanford, CA 93230

For Service or Information Call:
559.852.2640

Sarah M. Hacker
District Attorney

VICTIM-WITNESS ASSISTANCE PROGRAM

A violent crime can impact many aspects of a person’s life. Not only does crime affect the victim but also their loved ones and sometimes, an entire community. A crime can have long lasting physical, emotional and financial effects.

Often the needs of crime victims can appear to be overshadowed by the focus on the investigation and prosecution of the accused. The Kings County Victim-Witness Assistance Program seeks to make the criminal justice system more understandable, accessible, and responsive to the concerns of victims and witnesses.

Our Victim Advocates are available to ensure that crime victims and their family members are kept informed and supported throughout the criminal justice process.

PROGRAM SERVICES

<i>Orientation to the Criminal Justice System</i>	<i>Criminal Case Status Information</i>
<i>Court Support and Escort</i>	<i>Property Return</i>
<i>Referral to Community Resources and Services</i>	<i>Creditor Intervention</i>
<i>Crime Prevention Information</i>	<i>Restitution Assistance</i>
<i>Temporary Restraining Order Assistance</i>	<i>Transportation Assistance</i>
<i>Employer and Housing Intervention</i>	<i>Emergency Assistance</i>
<i>Compensation for Crime Related Expenses</i>	

VICTIM COMPENSATION BOARD

The California Victim Compensation Board (VCB) can assist crime victims and their loved ones with expenses that result from certain violent crimes. If you have been injured or threatened with injury, or if someone in your family has been a victim, you may be eligible for financial help. The VCB can assist victims when the crime occurs in California and can also help California residents who are victimized outside the state and/or country.

Among expenses that may be reimbursed:

Medical and Dental	Income and Support Loss
Mental Health Services	Funeral and Burial Costs
Relocation Assistance	Home Security Upgrades
Crime Scene Clean Up	Home or Vehicle Modifications
Job Retraining	Medical/Dental Devices

EXPENSES THAT CANNOT BE COVERED

- ~ Any expense not related to the crime
- ~ Any expense paid by insurance or another source of reimbursement or coverage
- ~ Expenses for lost, stolen or damaged property
- ~ Damages for pain and suffering

Victim Employee/Housing/Immigration Rights

1. An employer cannot fire or discriminate against an employee for taking time off to appear in court, to obtain a restraining order, to seek medical attention for injuries, to obtain services from a domestic violence shelter or to obtain psychological counseling as related to a crime.
2. A tenant has a right to terminate tenancy if the tenant, household member or an immediate family member is a victim of a specified crime.
3. A landlord cannot terminate a tenancy or fail to renew a tenancy because of an act of domestic violence, sexual assault, elder abuse, stalking or human trafficking when the perpetrator is not a tenant of the same dwelling unit.
4. You have a right to apply for victim compensation benefits from the California Victim Compensation Program. Contact our office for help with this application.
5. You have a right to apply for a UVISA or TVISA to assist in immigration relief.
6. Victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder/dependent adult abuse have the right to apply for the Safe at Home Confidential Address Program. Contact our office to apply.
7. You have a right to apply for a restraining order or protective order. Contact our office for resources.

For more information on these rights:
 Legal Resource Center
 1-800-842-8467

Sexual Assault Victims’ Rights

Under California law, (see Cal. Penal Code 680.2 for the full rights) as a survivor of sexual assault you have the following rights:

- 1) You are never required to participate in the criminal justice process to receive a physical or evidentiary examination. You choose how much you participate in the process.
- 2) You have the right to ask for the status and results of the analysis of all the evidence related to your assault. Ask the law enforcement officer for a tracking number and steps to get follow up information.
- 3) A court may not imprison or place in custody for contempt any sexual assault or domestic violence victim for refusing to testify.
- 4) DNA and other types of evidence can degrade and break down over time. Any evidence from your physical examination should be transported and analyzed within 24 months. Evidence must be kept for 20 years.
- 5) You have the right to request in writing and receive a free copy of the initial crime report related to your assault.
- 6) You have the right to request the offender’s sex offender registry information from the prosecutor if your assailant is convicted and required to register.
- 7) You have the right to seek a civil protection order or request an emergency protective order from a law enforcement officer.
- 8) You have the right to request financial assistance for covering the costs arising from your assault through the California Compensation Board. (your advocate can assist with this process).
- 9) You have the right to a sexual assault counselor (victim advocate) and at least one other person of your choosing during any exam or investigative interview.