

Victim's Rights – A Time Line

You have the right to...

Before Charges are Filed

- Ask the prosecutor (DA) about the Defendant's arrest.

After DA files Charges

- Ask the prosecutor (DA) about the charges filed against the Defendant.

Arraignment

- Ask the prosecutor (DA) the time and place of the arraignment and any other hearing that the Defendant and DA have the right to go to.
- Keep your confidential information private.
- Refuse to meet with or speak to the defense, unless you want to.

Before the Trial

- Be told about and talk to the DA about any hearing before the trial.

Trial

- A speedy trial that ends without delay.
- Get your property returned promptly, when it is no longer needed as evidence.

Before Sentencing

- Tell a probation officer about the crime's impact on your life before sentencing;
- Speak to the Court at any hearing to decide the Defendant's sentence;
- Get a copy of the pre-sentence report;
- Have the court consider your, your family's, and the public's safety;
- Be told about the parole process; and
- Have the court make orders that protect you.

After Sentencing

- Ask for money (restitution) for your losses;
- Be told about the Defendant's scheduled release date and all parole hearings; and
- Ask the court for orders to protect you from harassment, abuse, or other harm.

About Us

The Victims of Crime Resource Center is located on the Pacific McGeorge School of Law campus in Sacramento, California. We educate victims and their families, victim service providers and other victim advocates on:

- Victims' legal rights,
- Victims compensation,
- Restitution,
- Civil suits, and
- Additional rights of domestic violence and abuse victims (including elders, children, and people with disabilities).

We also offer:

- Technical assistance and legal research to victim service providers, and
- Free "Know Your Rights" presentations to community groups.

We operate **1-800-VICTIMS** – the statewide, toll-free hotline that gives confidential information and referrals to victims, their families, victim service providers, and victim advocates. The hotline is staffed by McGeorge law students and supervised by lawyers.

This publication was supported by Grant No. 2014-VA-GX-0063 awarded by the Office for Victims of Crime, U.S. Department of Justice through the California Governor's Office of Emergency Services (Cal OES). The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and not necessarily those of Cal OES or U.S. Department of Justice.



1-800-VICTIMS (842-8467)
www.1800victims.org

Plain Language

UNIVERSITY OF THE
PACIFIC
McGeorge School of Law

Victims' Rights in California:

Marsy's
Law

Victims of Crime Resource Center
1-800-VICTIMS (1-800-842-8467)
www.1800VICTIMS.org

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Marsy's Law Protects and Serves Crime Victims in California

Marsy's Law gives important rights to crime victims who were hurt physically, emotionally, or financially because of a crime (or attempted crime).

To qualify as a victim of crime under Marsy's Law, you must be the:

- Direct victim,
- Close family member,*
- Guardian, or
- Your legal representative.

**Close family members include: spouse, parents, children, brothers and sisters.*

Your Marsy's Law Rights

The criminal justice system will do these things automatically:

- Tell you about Marsy's Law and give you a copy of it.
- Treat you fairly and respectfully, with concern for your privacy. No one is allowed to harass or abuse you during the criminal justice process.
- Protect your safety with restraining orders against the defendant or anyone acting for the defendant.
- Consider your safety and your family's safety when deciding bail and release conditions.

- Consider your safety, as well as the safety of your family and the public's safety when deciding parole.
- Process the trial and other criminal proceedings without delay.

You have these rights, too. But you must ask the authorities for them.

(Or your victim witness advocate can ask the authorities on your behalf.)

- Inform you about the Defendant's arrest, the charges against him/her, and if s/he will be returned to another country.
- Notify you if there will be a hearing to decide the case before the trial.
- Notify you in advance about any court hearings involving the Defendant as well as parole and other release hearings.
- Let you speak at any hearing involving the Defendant and your rights as a victim.
- Give you a copy of the pre-sentence report when it is available to the Defendant. You are not allowed to see any confidential parts of the report.
- Keep you informed of any court decisions about the Defendant, including the conviction, sentence, place and time of incarceration, scheduled release date, or escape. You can also register with Victim Information and Notification Everyday (VINE) at www.vinelink.com. VINE can tell you where the defendant is locked up.

You have these rights, too. But you should ask the authorities for them:

- Not share any confidential information, records, or photos with the Defendant or his/her representative or lawyer. That means you can keep private information:
 - That could be used to locate or harass you or your family,
 - Related to your health care treatment or counseling, and/or
 - Requested by the media, including photos.
- Say no to any request made by the defense for information, interviews or anything else. You may speak to them, if you want to, and you may also decide when, where and what you will speak to them about.
- Allow you to tell the probation department about the crime's impact on you and your family. They can include that information in their sentencing recommendations for the court.
- Help you apply for restitution so you can get money to pay for your losses related to the crime.
- Return your property promptly, when it is no longer needed as evidence.
- Give you an opportunity to participate in the parole process and share your concerns before any hearing about the Defendant's parole or release.