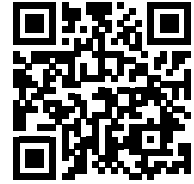




C A L I F O R N I A

DEPARTMENT OF JUSTICE

V I C T I M S ' S E R V I C E S U N I T



**The Victims' Bill of Rights Act of 2008**  
**Marsy's Card and Resources**

**To provide victims with rights to justice and due process**

Officer's Name:

Telephone:

Prosecutor's Name:

Telephone:

Police Report #:

Sup. Court #:

Defendant's Name:

DOB:

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law and local Victim Witness Assistance Center information by contacting the Attorney General's Victims' Services Unit at 1-877-433-9069 or via our website at [www.oag.ca.gov/victimservices/contact](http://www.oag.ca.gov/victimservices/contact).

A 'victim' is defined under the California Constitution as "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. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim." (Cal. Const., art. I, § 28(e).)

## **STATEWIDE VICTIM RESOURCES**

**Adult Protective Services:** This agency is dedicated to protecting the health and safety of elder and dependent adults subjected to neglect, abuse, or exploitation. To report abuse or neglect or to connect to the Adult Protective Services in your county, please call 1-833-401-0832.

**CA Dept. of Corrections and Rehabilitation, Office of Victim & Survivor Rights & Services (OVSRS):** This agency provides information on parole hearings, parole conditions, changes in custody status, and restitution when the offender is in a California prison. If you have any questions or need assistance, please call 1-877-256-6877 or email [www.cdcr.ca.gov/victim\\_services](http://www.cdcr.ca.gov/victim_services)

**Victim Compensation Program:** The California Victim Compensation Board (CalVCB) is a payor of last resort. If you meet the eligibility criteria, CalVCB can assist by reimbursing for costs as a result of a crime. For more information about the eligibility requirements, crimes covered by CalVCB and eligible expenses, please contact your local Victim Witness Center or CalVCB directly at 1-800-777-9229 or visit [www.victims.ca.gov](http://www.victims.ca.gov)

**California Victims Resource Center:** This Center provides victims' rights information, resources for victims in their geographic area, and information on restitution. If you have any questions or need assistance, please call 1-800-VICTIMS or email [www.1800victims.org](http://www.1800victims.org)

**The California Relay Service:** This agency provides specially-trained Communication Assistants for speech-impaired, deaf or hard-of-hearing callers. If you have any questions or need assistance, please dial 711 or call 1-800-735-2929.

**Victim/Witness Assistance Centers:** To obtain information on your local Victim/Witness Assistance Centers, advocacy, information about the criminal justice process and other resources in your geographic area, please contact the Attorney General's Victims' Services Unit at 1-877-433-9069 or visit [www.oag.ca.gov/VictimServices](http://www.oag.ca.gov/VictimServices).

**Community Based Restorative Justice Programs:** Pursuant to CA Penal Code Sections 679.02 and 679.027, "restorative justice" encourages accountability, healing and repairing when harm has occurred. These processes can include facilitated meetings among the person harmed, the person who caused the harm, their families, and community members to explore the root causes and impacts of the harm and to support accountability and healing. Restorative justice processes can result in deep understanding of the harm caused, meaningful expressions of accountability, and agreements to take specific actions to repair harm, personal or community service, engagement in employment or counseling, and payment of restitution. If you are interested in learning about community-based or local government restorative justice programs in your county, please contact the Attorney General's Victims' Services Unit at 1-877-433-9069 or via our website at [www.oag.ca.gov/victimservices/contact](http://www.oag.ca.gov/victimservices/contact).

## **NATIONAL VICTIM RESOURCES**

**National Center for Victims of Crime:** 1-202-467-8700 • [victimsofcrime.org](http://victimsofcrime.org)



CALIFORNIA DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

# **Victims' Bill of Rights**

## **California Constitution, Article I, Section 28(b)**

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

1. 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. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. 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. 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. 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. 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. 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. 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. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. 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. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. 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. 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.
14. To the prompt return of property when no longer needed as evidence.
15. 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. 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. To be informed of the rights enumerated in paragraphs (1) through (16).

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.

(Cal. Const., art. I, § 28(c)(1).)