



California Attorney General's Office

## THE VICTIM'S BILL OF RIGHTS ACT OF 2008

### *Marsy's Card and Resources for Native Americans in California*

The victim fills out this information

Officer's Name:	<input type="text"/>	Telephone:	<input type="text"/>
Prosecutor's Name:	<input type="text"/>	Telephone:	<input type="text"/>
Advocate's Name:	<input type="text"/>	Telephone:	<input type="text"/>
Police Report Number:	<input type="text"/>		
Superior Court Case Number:	<input type="text"/>		

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. Crime victims may obtain additional information regarding Marsy's Law, resources and local Victim Witness Assistance Centers by contacting the **Attorney General's Victims' Services Unit at 1-877-433-9069.**

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).)

### **Victims' Services Unit**



### **Statewide and National Resources**

As a victim of crime, it is important that you receive services to assist you with the repercussions of a criminal act. The following are some of the resources available to victims and their families. This is not an exhaustive list. *The Attorney General does not endorse, have any responsibility for, or exercise control over these organizations' and agencies' views, services, and information.*

**If you are a victim of crime and Native American**, you may wish to contact your tribe to locate additional culturally sensitive resources.

- **Inter-Tribal Council of California, Inc.** - Family Violence Prevention & Service Program. Resources and emergency services for Native American victims of family/domestic violence, sexual assault, and elder abuse, and for victims' dependants.  
Main Office: 1-916-973-9581, [www.intertribal.org](http://www.intertribal.org)
- **Strong Hearted Native Women's Coalition, Inc.** - Provides assistance to Native American victims of sexual assault and domestic violence in the southern California region.  
1-760-644-4781 [www.strongheartedwomen.org](http://www.strongheartedwomen.org)
- **Niwhongwhxw E:na:wh Stop the Violence Coalition, Inc.** - Provides counseling, crisis intervention, advocacy and shelter to victims of domestic violence. 1-530-625-1662, [nestvc@aol.com](mailto:nestvc@aol.com)
- **Rape, Abuse, Incest, National Network Hotline** - 1-800-656-HOPE [www.rainn.org](http://www.rainn.org)
- **National Domestic Violence Hotline** - 1-800-799-SAFE, TTY: 1-800-787-3224 [www.thehotline.org](http://www.thehotline.org)
- **National Center for Victims of Crime, Stalking Resource Center** - 1-202-467-8700, [victimsofcrime.org/stalking-resource-center/](http://victimsofcrime.org/stalking-resource-center/)
- **National Dating Abuse Hotline** - 1-866-331-9474, TTY: 1-800-787-3224, [www.loveisrespect.org](http://www.loveisrespect.org)
- **Adult Protective Services** - Web link with 24 hour elder abuse hotline numbers for each county. [http://www.cdss.ca.gov/Portals/9/APS/County\\_APD\\_Contacts.pdf](http://www.cdss.ca.gov/Portals/9/APS/County_APD_Contacts.pdf)
- **National Child Abuse Hotline** - Treatment and prevention of child abuse. 1-800-4-A-CHILD, <https://childhelpline.org>
- **CA Dept. of Corrections and Rehabilitation, Office of Victim & Survivor Rights & Services** - Provides information on parole hearings, parole conditions and restitution when the offender is incarcerated in prison. 1-877-256-6877 [www.cdcr.ca.gov/victim\\_services](http://www.cdcr.ca.gov/victim_services)
- **Safe at Home** - A confidential address program for victims of domestic violence, stalking, and sexual assault. 1-877-322-5227, [www.sos.ca.gov/registries/safeathome](http://www.sos.ca.gov/registries/safeathome)
- **National Human Trafficking Hotline** - 1-888-373-7888, <https://humantraffickinghotline.org>
- **McGeorge School of Law - Victims of Crime Resource Center** - Provides resources for victims by their geographic area along with information on restitution, civil suits, domestic violence, elder abuse, child abuse, abuse against the disabled, victims' rights and compensation. 1-800-Victims, [www.1800victims.org](http://www.1800victims.org)
- **Victim Compensation Program** - Help for victims of: Assault, Drunk Driving, Sexual Assault, Child Abuse, Homicide, Stalking, Domestic Violence, Robbery, and Human Trafficking. Victim Compensation can help pay for: mental health counseling, funeral costs, loss of income, crime scene cleanup, relocation, and medical and dental bills. For more information, contact 1-800-777-9229 <https://victims.ca.gov>
- **Victim Witness Center** - Provides advocacy, resource information, and victim compensation information. To obtain information on your local Victim Witness Assistance Center and other resources in your geographic area, contact Attorney General's Victims' Services Unit at 1-877-433-9069 [www.oag.ca.gov/victimservices](http://www.oag.ca.gov/victimservices)
- **The California Relay Service**: For speech impaired, deaf or hard-of-hearing callers: Dial 711. TTY/HCO/VCO to Voice for English: 1-800-735-2929 and for Spanish: 1-800-855-3000. Voice to TTY/VCO/HCO for English: 1-800-735-2922 and for Spanish: 1-800-855-3000. Speech to Speech - English and Spanish: 1-800-854-7784.

**Victims' Bill of Rights Act  
"Marsy's Law"**

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. 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. 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. 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).

*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).)