

# VICTIMS' BILL OF RIGHTS

## “Marsy Rights”

California Constitution, Article I, Section 28(b)  
Penal Code Section 649.026

### 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 regarding, upon request, the arrest of the defendant, the charges filed, and the determination whether to extradite the defendant. 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 juvenile delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present, and to notice 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 a juvenile delinquency proceeding, involving a post-arrest release decision, a plea, sentencing, a post-conviction release decision, or any proceeding in which a right of the victim is an 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 regarding any sentencing recommendations and concerning the impact of the offense on the victim and the victim's family, 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 escape by the defendant from custody.

### 13. RESTITUTION

Restitution is already an existing victim right in the California Constitution. Proposition 9 eliminates the authority of the court to refuse to order victim restitution. (Previously a court could refuse to order victim restitution if there were compelling and extraordinary reasons to not order it.)

Requires that all monetary payments, monies, and property collected from any person who has been ordered to make restitution be first applied to pay restitution (i.e., not fines or fees).

### 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, and to be notified, upon request, of the parole or other release of an 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 all 16 of the above rights.

California Dept. of Corrections and Rehabilitation (CDCR)  
Office of Victim and Survivor Rights and Services (OVSRS)  
Toll Free: 1-877-256-6877  
[www.cdcr.ca.gov/Victim\\_Services](http://www.cdcr.ca.gov/Victim_Services)

California Attorney General's Victim Services Unit  
Toll Free: 1-877-433-9069  
[www.oag.ca.gov/victimservices](http://www.oag.ca.gov/victimservices)

California Victim Information & Notification Everyday (VINE)  
Toll Free: 1-877-411-5588  
[www.vinelink.com](http://www.vinelink.com)

Rape, Abuse and Incest National Network (RAINN)  
Toll Free: 1-800-656-HOPE (4673)  
[www.rainn.org](http://www.rainn.org)

California Partnership to End Domestic Violence (CPEDEV)  
1-800-524-4765 M-F 9am-5pm  
24 hour hotline: 1-800-799-SAFE (7233)  
TTY: 800-787-3224  
[www.cpedv.org](http://www.cpedv.org)

Center for Missing & Exploited Children  
Toll Free: 1-800-THE-LOST; 1-800-843-5678  
[www.missingkids.com](http://www.missingkids.com)

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

National Domestic Violence Hotline  
Toll Free: 1-800-799-SAFE (7233)  
TTY: 1-800-787-3224  
[www.thehotline.org](http://www.thehotline.org)

Victims of Crime Resource Center  
Call: 1-800-VICTIMS (1-800-842-8467)  
[www.1800victims.org/](http://www.1800victims.org/)

#### Victim Compensation Program

California Victim Compensation & Government Claims Board  
Toll Free: 1-800-777-9229  
[www.vcgcb.ca.gov/victims](http://www.vcgcb.ca.gov/victims)

Including but not limited to:

- Assault
- Child Abuse
- Survivors of Homicide
- Drunk Driving
- Robbery
- Domestic Violence
- Vehicular Manslaughter
- Sexual Assault
- Child Molest

Victim Compensation Program may help pay for:

- Medical and Dental Bills
- Relocation
- Crime Scene Cleanup
- Mental Health Counseling
- Loss of Income/Support
- Funeral/Burial Costs

For more information contact your local Victim Witness Assistance Center 530-265-1301

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## Nevada County Community Services

Adult Protective Services	265-1639
Behavioral Health Department	265-1437
24-Hour Crisis Line	265-5811
California Highway Patrol	477-4900
Truckee	582-7570
Child Protective Services	273-4291
Community Resources & Information	211
District Attorney	
Nevada City Office	265-1301
Truckee Office	582-7832
Domestic Violence & Sexual Assault Coalition	272-2046
24-Hour Crisis Line	272-3467
Grass Valley Police Department	477-4600
Helpline (Information & Assistance)	273-2273
Lawyer Referral Service	272-5962
Nevada City Police Department	
Business	265-4700
24 hour line	265-2626
Probation	
Adult	265-1200
Juvenile	265-1300
Truckee	582-7804
Public Law Center	470-2594
Sheriff's Office	
Emergency	911
Nevada City Business	265-1471
Nevada City 24 Hour Hot Line	265-7880
Truckee Business	582-7838
Superior Court Offices	
Nevada City Criminal	265-1311
Nevada City Civil	265-1294
Nevada City Family	265-1293
Truckee	582-7866
Tahoe Safe Alliance, Truckee	582-9117
24-Hour Crisis Line	1-800-736-1060
Truckee Police Department	550-2323
Victim Witness	
Nevada City Office	265-1301
Truckee Office	582-7832
Women of Worth	272-6851

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## MARSY'S RIGHTS and RESOURCES



## Clifford Newell District Attorney

Tel: (530) 265-1301

Officer's Name \_\_\_\_\_

Report # \_\_\_\_\_