Kamala D. Harris
Attorney General
State of California

Marsy's Card and Resources

The California Constitution, Article 1, Section 28(b), confers certain rights to victims of crime. 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.

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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).

Attorney General's Victims' Services Unit – Provides local victim/witness information, geographic resource information and appeal status to victims of crime. To obtain information resources on your local Victim Witness Assistance Center or to request appeal status notification, contact: **1-877-433-9069.** For more information on Marsy's Law, visit the Attorney General's website at:
www.ag.ca.gov/victimservices

Additional Resources

The Attorney General does not endorse, have any responsibility for, or exercise control over these organizations' and agencies' views, services, and information.

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, medical and dental bills. For more information contact your local Victim Witness or Victim Compensation and Government Claims Board: **1-800-777-9229**
www.vcgcb.ca.gov/victims

CA Dept. of Corrections and Rehabilitation, Office of Victim & Survivor Rights & Services - Provides information on offender release, restitution, parole conditions and parole hearings when the offender is incarcerated in prison.
1-877-256-6877 *www.cdcr.ca.gov/victim_services*

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*

National Domestic Violence Hotline – 24-hour hotline for domestic violence resources. **1-800-799-SAFE** **TTY: 1-800-787-3224** *www.ndvh.org*

Adult Protective Services County Contact Information (Elder abuse) – Website lists 24 hour hotline numbers for each county in California.
www.cdss.ca.gov/agedblinddisabled/PG2300.htm

National Child Abuse Hotline –Treatment and prevention of child abuse.
1-800-4-A-CHILD *www.childhelp.org/pages/hotline-services*

Rape, Abuse & Incest National Network Hotline – Provides free, confidential services to victims of sexual assault. **1-800-656-HOPE** *www.rainn.org*

National Human Trafficking Resource Center Hotline - 24-hour hotline for reporting tips, contacting local anti-trafficking services and requesting information.
1-888-373-7888 *www.traffickingresourcecenter.org*

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. **From or to Speech to Speech – English and Spanish:** 1-800-854-7784.

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).)

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).)

Victims' Services Unit, September 2011

Funding is made possible through the United States Department of Justice, Victims of Crime Act, 2010-VA-GX-0087

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