



NATIONAL CRIME VICTIM LAW INSTITUTE

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SURVEY OF SELECT FEDERAL AND STATE LAWS GOVERNING VICTIM IMPACT STATEMENTS AND A VICTIM'S RIGHT TO BE HEARD POST-CONVICTION REGARDING THE IMPOSITION AND COMPLETION OF SENTENCE

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For additional resources relating to the protection, enforcement, and advancement of crime victims' rights, please visit NCVLI's website at www.ncvli.org.

This chart compiles key provisions addressing the specific rights of victims to present a Victim Impact Statement and to be heard post-conviction generally regarding the imposition and completion of sentence. Please note that in the detailed chart that follows, provisions relating to juvenile proceedings are generally not included. This chart is a survey of select laws and is not intended as an exhaustive resource of all victims' rights provisions.



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“Quick Look” Summary Chart: Comparative Snapshot of Laws Included in the Detailed Chart

| JURISDICTION | RIGHT TO PRESENT VICTIM IMPACT STATEMENT AT SENTENCING | RIGHT TO HAVE VICTIM IMPACT INFORMATION INCLUDED IN THE PRESENTENCE REPORT | RIGHT TO PRESENT A STATEMENT/INFORMATION ABOUT PAROLE, PROBATION AND/OR OTHER CHANGES IN CUSTODIAL STATUS (E.G., EARLY RELEASE AND SEX OFFENDER REGISTRATION) | RIGHT TO PRESENT A STATEMENT/INFORMATION ABOUT ONE OR MORE OF THE FOLLOWING: PARDON, COMMUTATION, CLEMENCY, EXPUNGEMENT, EXPUNCTION |
|--------------|--------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Federal | ✓ | ✓ | ✓ | ✓ |
| Alabama | ✓ | ✓ | | ✓ |
| Alaska | ✓ | ✓ | ✓ | ✓ |

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|----------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Arizona | ✓ | ✓ | ✓ | ✓ |
| Arkansas | ✓ | ✓ | ✓ | ✓ |
| California | ✓ | ✓ | ✓ | ✓ |
| Colorado | ✓ | | ✓ | ✓ |
| Connecticut | ✓ | | ✓ | ✓ |
| Delaware | ✓ | ✓ | ✓ | ✓ |
| District of Columbia | ✓ | ✓ | ✓ | |
| Florida | ✓ | ✓ | ✓ | |
| Georgia | ✓ | | ✓ | ✓ |
| Hawaii | ✓ | ✓ | | |
| Idaho | ✓ | ✓ | ✓ | ✓ |
| Illinois | ✓ | ✓ | ✓ | ✓ |
| Indiana | ✓ | ✓ | | |
| Iowa | ✓ | ✓ | ✓ | ✓ |
| Kansas | ✓ | | ✓ | |
| Kentucky | ✓ | ✓ | ✓ | ✓ |
| Louisiana | ✓ | ✓ | ✓ | ✓ |
| Maine | ✓ | | ✓ | ✓ |
| Maryland | ✓ | ✓ | ✓ | |
| Massachusetts | ✓ | ✓ | ✓ | |
| Michigan | ✓ | ✓ | ✓ | ✓ |
| Minnesota | ✓ | | ✓ | ✓ |
| Mississippi | ✓ | ✓ | ✓ | ✓ |
| Missouri | ✓ | ✓ | ✓ | ✓ |
| Montana | ✓ | ✓ | ✓ | ✓ |
| Nebraska | ✓ | ✓ | ✓ | ✓ |
| Nevada | ✓ | ✓ | ✓ | ✓ |
| New Hampshire | ✓ | ✓ | ✓ | |

| JURISDICTION | RIGHT TO PRESENT VICTIM IMPACT STATEMENT AT SENTENCING | RIGHT TO HAVE VICTIM IMPACT INFORMATION INCLUDED IN THE SENTENCE REPORT | RIGHT TO PRESENT A STATEMENT/INFORMATION ABOUT PAROLE, PROBATION AND/OR OTHER CHANGES IN CUSTODIAL STATUS (E.G., EARLY RELEASE AND SEX OFFENDER REGISTRATION) | RIGHT TO PRESENT A STATEMENT/INFORMATION ABOUT ONE OR MORE OF THE FOLLOWING: PARDON, COMMUTATION, CLEMENCY, EXPUNGEMENT, EXPUNCTION |
|---------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| New Jersey | ✓ | ✓ | ✓ | |
| New Mexico | ✓ | | ✓ | |
| New York | ✓ | ✓ | ✓ | |
| North Carolina | ✓ | | ✓ | ✓ |
| North Dakota | ✓ | ✓ | ✓ | ✓ |
| Ohio | ✓ | ✓ | ✓ | ✓ |
| Oklahoma | ✓ | ✓ | ✓ | ✓ |
| Oregon | ✓ | | ✓ | ✓ |
| Pennsylvania | ✓ | ✓ | ✓ | ✓ |
| Rhode Island | ✓ | ✓ | ✓ | |
| South Carolina | ✓ | | ✓ | |
| South Dakota | ✓ | ✓ | ✓ | ✓ |
| Tennessee | ✓ | ✓ | ✓ | |
| Texas | ✓ | ✓ | ✓ | |
| Utah | ✓ | | ✓ | ✓ |
| Vermont | ✓ | | ✓ | |
| Virginia | ✓ | ✓ | ✓ | |
| Washington | ✓ | ✓ | ✓ | ✓ |
| West Virginia | ✓ | ✓ | ✓ | |
| Wisconsin | ✓ | ✓ | ✓ | ✓ |
| Wyoming | ✓ | ✓ | ✓ | |

| JURISDICTION | LAWS |
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| Federal | <p><i>18 U.S.C. § 3771 [Crime victims' rights]</i></p> <p>(a) Rights of crime victims.--A crime victim has the following rights:</p> <p>....</p> <p>(4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.</p> <p>....</p> <p>(b)(2) Habeas corpus proceedings.--</p> <p>(A) In general.--In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).</p> <p><i>Fed. R. Crim. P. 32 [Sentencing and Judgment]</i></p> <p>....</p> <p>(d) Presentence Report.</p> <p>....</p> <p>(2) Additional Information. The presentence report must also contain the following:</p> <p>....</p> <p>(B) information that assesses any financial, social, psychological, and medical impact on any victim;</p> <p>....</p> <p>(i)(4) Opportunity to Speak.</p> <p>....</p> <p>(B) By a Victim. Before imposing sentence, the court must address any victim of the crime who is present at sentencing and must permit the victim to be reasonably heard.</p> <p><i>Fed. R. Crim. P. 60 [Victim's Rights]</i></p> <p>(3) Right to Be Heard on Release, a Plea, or Sentencing. The court must permit a victim to be reasonably heard at any public proceeding in the district court concerning release, plea, or sentencing involving the crime.</p> <p><i>28 C.F.R. § 2.72 [Hearing procedure.]</i></p> <p>....</p> <p>(c) A victim of a crime, or a representative of the immediate family of a victim if the victim has died, shall have the right:</p> <p>(1) To be present at the parole hearings of each offender who committed the crime, and</p> <p>(2) To testify and/or offer a written or recorded statement as to whether or not parole should be granted, including information and reasons in support of such statement. A written statement may be submitted at the hearing or</p> |

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| | <p>provided separately. The prisoner may be excluded from the hearing room during the appearance of a victim or representative who gives testimony. In lieu of appearing at a parole hearing, a victim or representative may request permission to appear before an examiner (or other staff member), who shall record and summarize the victim's or representative's testimony. Whenever new and significant information is provided under this rule, the hearing examiner will summarize the information at the parole hearing and will give the prisoner an opportunity to respond. Such summary shall be consistent with a reasonable request for confidentiality by the victim or representative.</p> <p>....</p> <p><i>28 C.F.R. § 1.6 [Consideration of petitions; notification of victims; recommendations to the President.]</i></p> <p>(a) Upon receipt of a petition for executive clemency, the Attorney General shall cause such investigation to be made of the matter as he or she may deem necessary and appropriate, using the services of, or obtaining reports from, appropriate officials and agencies of the Government, including the Federal Bureau of Investigation.</p> <p>(b)(1) When a person requests clemency (in the form of either a commutation of a sentence or a pardon after serving a sentence) for a conviction of a felony offense for which there was a victim, and the Attorney General concludes from the information developed in the clemency case that investigation of the clemency case warrants contacting the victim, the Attorney General shall cause reasonable effort to be made to notify the victim or victims of the crime for which clemency is sought:</p> <ul style="list-style-type: none"> (i) That a clemency petition has been filed; (ii) That the victim may submit comments regarding clemency; and (iii) Whether the clemency request ultimately is granted or denied by the President. <p>(2) In determining whether contacting the victim is warranted, the Attorney General shall consider the seriousness and recency of the offense, the nature and extent of the harm to the victim, the defendant's overall criminal history and history of violent behavior, and the likelihood that clemency could be recommended in the case.</p> <p>(3) For the purposes of this paragraph (b), "victim" means an individual who:</p> <ul style="list-style-type: none"> (i) Has suffered direct or threatened physical, emotional, or pecuniary harm as a result of the commission of the crime for which clemency is sought (or, in the case of an individual who died or was rendered incompetent as a direct and proximate result of the commission of the crime for which clemency is sought, one of the following relatives of the victim (in order of preference): the spouse; an adult offspring; or a parent); and (ii) Has on file with the Federal Bureau of Prisons a request to be notified pursuant to 28 CFR 551.152 of the offender's release from custody. <p>(4) For the purposes of this paragraph (b), "reasonable effort" is satisfied by mailing to the last-known address reported by the victim to the Federal Bureau of Prisons under 28 CFR 551.152.</p> |
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| | <p>(5) The provisions of this paragraph (b) apply to clemency cases filed on or after September 28, 2000.</p> <p>(c) The Attorney General shall review each petition and all pertinent information developed by the investigation and shall determine whether the request for clemency is of sufficient merit to warrant favorable action by the President. The Attorney General shall report in writing his or her recommendation to the President, stating whether in his or her judgment the President should grant or deny the petition.</p> |
| Alabama | <p><i>Ala. Const. art. 1, § 6.01 [Basic rights for crime victims.]</i></p> <p>(a) Crime victims, as defined by law or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.</p> <p><i>Ala. Code § 15-23-73 [Impact statement; right to review pre-sentence investigative report.]</i></p> <p>(a) The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.</p> <p>....</p> <p><i>Ala. Code § 15-23-74 [Right to present evidence, statement, etc., during sentencing or restitution proceedings.]</i></p> <p>The victim has the right to present evidence, an impact statement, or information that concerns the criminal offense or the sentence during any pre-sentencing, sentencing, or restitution proceeding.</p> <p><i>Ala. Code § 15-23-76 [Right to be present and heard at court proceeding.]</i></p> <p>It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forth with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement.</p> |

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| | <p><i>Ala. Code § 15-22-36 [Authority to grant pardons and paroles, remit fines and forfeitures, etc.; notice of board action.]</i></p> <p>(a) In all cases, except treason and impeachment and cases in which sentence of death is imposed and not commuted, as is provided by law, the Board of Pardons and Paroles shall have the authority and power, after conviction and not otherwise, to grant pardons and paroles and to remit fines and forfeitures.</p> <p>....</p> <p>(e)(1) Until and unless at least 30 days' written notice of the board's action to be considered has been given by the board to the victim named in the indictment, the victim's representative, and any other interested individuals, after the board has received a request that includes the preferred mode or modes of notification from the victim, the victim's representative, and other interested individuals and is submitted 45 days or more in advance of the board action to be considered either through the automated victim notification system or by a direct request to the board or other authorized individual, the Board of Pardons and Paroles shall have no power or authority to in any way approve or order any parole, pardon, remission of fine or forfeiture, restoration of civil and political rights, furlough, leave or early release of a person convicted of the following offenses:</p> <ul style="list-style-type: none"> a. A Class A felony. b. Any felony committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be designated a Class A felony. c. Any felony involving violence, death, or any physical injury to the person of another. d. Any felony involving unlawful sexual assault or other unlawful sexual conduct on the person of another. e. Any felony involving sexual assault, or a lewd or lascivious act upon a child under the age of 16 years or attempt thereof. f. Sexual abuse or any other criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as sexual abuse under the Alabama Criminal Code. g. Child abuse or any criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as child abuse under the Alabama Criminal Code. h. Sodomy or any criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as sodomy under the Alabama Criminal Code. i. Any violation of Section 13A-6-69, as amended. <p>(2) If, however, the victim, victim's representative, and other interested individual has not been registered for notice through the automated victim notification system or otherwise made a direct request to the board for notice or to another authorized individual, the victim's information has not been updated, or particular modes of notification have not been requested at least 45 days or more in advance of the board's action to be considered,</p> |
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| | <p>the board shall not be limited in power or authority in any way to approve or order any parole, pardon, remission of fine or forfeiture, restoration of civil and political rights, furlough, leave, or early release of a person convicted of the offenses named in subsection (e)(1)a. to i., inclusive.</p> <p>(3) The notice shall be given by U.S. certified mail, return receipt requested, U.S. mail, electronic transmission, or by other commonly accepted method of delivery, upon a request made through the automated victim notification system or otherwise upon direct request made to the board or other authorized individual 45 days or more in advance of the board's action to be considered and shall include:</p> <ul style="list-style-type: none"> a. The name of the prisoner or defendant involved. b. The crime for which the prisoner or defendant was convicted. c. The date of the sentence. d. The court in which the conviction occurred. e. The sentence imposed. f. The actual time the prisoner has been held in confinement and the prisoner's minimum release date, as computed by the Department of Corrections. g. The action to be considered by the board. h. The date, time, and location of the board meeting at which the action is to be considered. i. The right of the victim named in the indictment, a victim's representative, or if the victim is deceased as a result of the offense, the victim's immediate family, as defined by the board's operating rules, or, in the event there is no immediate family, a relative of a victim, if any, to present his or her views to the board in person or in writing. <p>Notice for robbery victims who were robbed while on duty as an employee of a business establishment shall be sufficient if mailed to the last address provided by the victim or as otherwise noted on the indictment or in the board files.</p> <p>(4) If a victim, victim's representative, and otherwise interested individual requests not to be notified, the request shall be made to the Board of Pardons and Paroles in writing or by electronic signature. Confirmation of a request to not be notified shall be provided to the victim so requesting. After a request is received, the board shall provide no further notifications, unless and until the victim, victim's representative, and otherwise interested individual subsequently requests future notifications, at least 45 days in advance of the board's action to be considered through the automated victim notification system or by contacting the board or other authorized individual in writing, in person, or by telephone.</p> <p>(5) Should a victim, victim's representative, and otherwise interested person wish to receive notice of any specific board hearing and action taken by the board, if any, in a specific case, the individual may register to request the notice through the automated victim notification system or otherwise request notice by making a direct request to</p> |
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| | <p>the board or other authorized individual to receive notice at least 45 days in advance of the board's action to be considered. The individual shall be required to designate his or her preferred mode or modes of communication.</p> <p>(6) For any defendant convicted of the offenses named in subsection (e)(1)a. to i., inclusive, and only after the most recent victim information has been furnished to the Board of Pardons and Paroles pursuant to Section 12-17-184(9), in those cases, the probation and parole officer assigned to prepare a pre-sentence or post-sentence investigation report shall at that time register the most recent information for the victim named in the indictment into the automated victim notification system. In case of a homicide, the information of immediate family members shall be entered into the automated victim notification system. If a surviving victim is a minor, information for parents or guardians shall be entered into the automated victim notification system. The probation and parole officer assigned to prepare a pre-sentence or post-sentence investigation report shall then report to the sentencing court that all most current victim information has been so registered. The sentencing court shall then record into the case record that the victim information has been entered into the automated victim notification system.</p> <p>(7) For those cases in which a defendant has been convicted and sentenced prior to the implementation task force determining that the automated victim notification system complies with the requirements of this section and Sections 15-22-23 and 15-22-36.2, for any homicide, and Class A felony, except Burglary I in which no victim was present, or any sex offense, as defined by Section 15-20A-5, the board shall exercise due diligence to locate the victim or victims and register the most recent victim information into the automated victim notification system. If all attempts to locate a victim, or in case of a homicide to locate immediate family member or members, have failed and the agent of the board has certified that due diligence has been exercised, no future location attempts shall be required.</p> <p>(f) After any board action is taken granting any pardon or parole, the board shall promptly notify all persons who timely requested notice, pursuant to this section as to the action taken by the board and the conditions, if any, of any such parole or pardon via electronic notification through the automated victim notification system and posting publicly on a state agency website.</p> <p>(g) Electronic notices as required by this section, Section 14-14-5, Section 15-22-23, Section 15-22-36.2, Section 15-22-36.3, and Section 15-22-26.2 shall be produced through the automated notification system developed and maintained by the Alabama Law Enforcement Agency. All data and records required to produce the notices shall be provided to the Alabama Law Enforcement Agency to be incorporated into the automated notification system. Board records and information accessible to the public through the automated notification system shall be limited to those notification items specified in subdivision (3) of subsection (e), as well as the offender's age, sex, race, and unique identifiers. Records concerning the status of supervised offenders on probation and parole shall also be made available to the public, including information on when supervision began, the date the supervision term will</p> |
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| | <p>end, and information on whether or how supervision was terminated. Otherwise, access to board records and information through the automated notification system shall be limited in use to the legitimate law enforcement purpose of entering and updating contact information on behalf of crime victims, assisting victims with registration, and ensuring victims receive notice. Information and records of the board accessible for law enforcement purposes through the automated notification system, in addition to that available to the public as specified above, shall be limited to the offender's date of birth, the supervising officer's name, the county of residence for those offenders currently supervised in Alabama, and the supervising officer's phone number. Misuse of the automated notification system or records or information contained in the automated notification system shall be subject to criminal prosecution under Article 5A of Chapter 8 of Title 13A, as well as Section 41-9-601, Section 41-9-602, and any other law of this state.</p> |
| Alaska | <p><i>Alaska Const. art. I, § 24 [Rights of Crime Victims]</i> Crime victims, as defined by law, shall have the following rights as provided by law: ... the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; </p> <p><i>Alaska Stat. Ann. § 12.61.010 [Rights of crime victims]</i> (a) Victims of crimes have the following rights: (8) the right to make a written or oral statement for use in preparation of the presentence report of a felony defendant; (9) the right to appear personally at the defendant's sentencing hearing to present a written statement and to give sworn testimony or an unsworn oral presentation; </p> <p><i>Alaska Stat. Ann. § 12.55.023 [Participation by victim in sentencing]</i> (a) If a victim requests, the prosecuting attorney shall provide the victim, before the sentencing hearing, with a copy of the following portions of the presentence report: (1) the summary of the offense prepared by the Department of Corrections; (2) the defendant's version of the offense; (3) all statements and summaries of statements of the victim;</p> |

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| | <p>(4) the sentence recommendation of the Department of Corrections; and</p> <p>(5) letters of support submitted to the court for consideration.</p> <p>(b) A victim may submit to the sentencing court a written statement that the victim believes is relevant to the sentencing decision and may give sworn testimony or make an unsworn oral presentation to the court at the sentencing hearing. If there are numerous victims, the court may reasonably limit the number of victims who may give sworn testimony or make an unsworn oral presentation during the hearing. When requested by the victim of a felony or a class A misdemeanor, if the class A misdemeanor is a crime involving domestic violence or a crime against a person under AS 11.41, when the victim does not submit a statement, give testimony, or make an oral presentation, the victims' advocate may submit a written statement or make an unsworn oral presentation at the sentencing hearing on behalf of the victim.</p> <p><i>Alaska Stat. Ann. § 12.61.015 [Duties of prosecuting attorney]</i></p> <p>(a) If a victim of a felony or a crime involving domestic violence requests, the prosecuting attorney shall make a reasonable effort to</p> <p>....</p> <p>(2) in a manner reasonably calculated to give prompt actual notice, notify the victim</p> <p>....</p> <p>(B) of the victim's right in a case that is a felony to make a written or oral statement for use in preparation of the defendant's presentence report, and of the victim's right to appear personally at the defendant's sentencing hearing to present a written statement and to give sworn testimony or an unsworn oral presentation;</p> <p>....</p> <p>(b) The notice given under (a)(2) of this section must inform the victim that the statement, sworn testimony, or unsworn oral presentation of the victim may contain any relevant information including</p> <p>(1) an explanation of the nature and extent of physical, psychological, or emotional harm or trauma suffered by the victim;</p> <p>(2) an explanation of the extent of economic loss or property damage suffered by the victim;</p> <p>(3) an opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage; and</p> <p>(4) the recommendation of the victim for an appropriate sentence.</p> <p>....</p> |
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| | <p><i>Alaska Stat. Ann. § 33.20.080 [Required notices and investigation by the board of parole]</i></p> <p>(a) The governor may not grant executive clemency to a person unless the governor has first provided notice of consideration of executive clemency to the board of parole for investigation and at least 120 days have elapsed since the notice required under (b) of this section has been provided. The board shall investigate each case and, not later than 120 days after receipt of the notice of consideration, submit to the governor a report of the investigation, together with all other information the board has regarding the person. When the report is submitted, the board shall also transmit to the governor the comments it has received under (b) of this section.</p> <p>(b) The board shall send notice of the governor’s consideration of executive clemency to the Department of Law, the office of victims’ rights, and the victim of a crime against a person, a crime involving domestic violence, or arson in the first degree within five business days after receipt of notice of consideration from the governor. The victim may comment in writing to the board on the consideration for executive clemency. The board shall provide notice of any action taken by the governor to the Department of Law, the office of victims’ rights, and the victim.</p> <p>(c) If the victim’s address is unknown, the board shall make reasonable efforts to locate the victim to provide the notice required under this section. The board shall ensure that the victim’s address is kept confidential.</p> <p>(d) In this section,</p> <p>(1) “crime against a person” has the meaning given in AS 33.30.901;</p> <p>(2) “crime involving domestic violence” has the meaning given in AS 18.66.990;</p> <p>(3) “victim” has the meaning given in AS 12.55.185.</p> |
| Arizona | <p><i>Ariz. Const. art. II, § 2.1 [Victims’ bill of rights]</i></p> <p>Section 2.1. (A) To preserve and protect victims’ rights to justice and due process, a victim of crime has a right:</p> <p>....</p> <p>4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.</p> <p>....</p> <p>7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.</p> <p><i>Ariz. Rev. Stat. Ann. § 13-4426.01 [Sentencing; victims’ right to be heard]</i></p> <p>In any proceeding in which the victim has the right to be heard pursuant to article II, § 2.1, Constitution of Arizona, or this chapter, the victim’s right to be heard is exercised not as a witness, the victim’s statement is not subject to disclosure to the state or the defendant or submission to the court and the victim is not subject to cross-examination. The state and the defense shall be afforded the opportunity to explain, support or deny the victim’s</p> |

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| | <p>statement.</p> <p><i>Ariz. Rev. Stat. Ann. § 13-4426 [Sentencing]</i></p> <p>A. The victim may present evidence, information and opinions that concern the criminal offense, the defendant, the sentence or the need for restitution at any aggravation, mitigation, presentencing or sentencing proceeding.</p> <p>B. At any disposition proceeding the victim has the right to be present and to address the court.</p> <p><i>Ariz. Rev. Stat. Ann. § 13-4428 [Victim's discretion; form of statement]</i></p> <p>A. It is at the victim's discretion to exercise the victim's rights under this chapter to be present and heard at a court proceeding, and the absence of the victim at the court proceeding does not preclude the court from going forth with the proceeding.</p> <p>B. Except as provided in subsection C of this section, a victim's right to be heard may be exercised, at the victim's discretion, through an oral statement, submission of a written statement or submission of a statement through audiotape or videotape or any other video or digital media that is available to the court.</p> <p>C. If a person against whom a criminal offense has been committed is in custody for an offense, the person may be heard by submitting a written statement to the court.</p> <p><i>Ariz. Rev. Stat. Ann. § 13-4424 [Impact statement; presentence report]</i></p> <p>A. The victim may submit a written impact statement or make an oral impact statement to the probation officer for the officer's use in preparing a presentence report.</p> <p>B. The probation officer shall consider the economic, physical and psychological impact that the criminal offense has had on the victim and the victim's immediate family pursuant to § 12-253.</p> <p><i>Ariz. Rev. Stat. Ann. § 13-4410 [Notice of conviction, acquittal or dismissal; impact statement]</i></p> <p>....</p> <p>B. If the defendant is convicted and the victim has requested notice, the victim shall be notified, if applicable, of:</p> <p>....</p> <p>C. The victim shall be informed that the victim's impact statement may include the following:</p> <ol style="list-style-type: none"> 1. An explanation of the nature and extent of any physical, psychological or emotional harm or trauma suffered by the victim. 2. An explanation of the extent of any economic loss or property damage suffered by the victim. 3. An opinion of the need for and extent of restitution. 4. Whether the victim has applied for or received any compensation for the loss or damage. |
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| | <p>D. Notice provided pursuant to this section does not remove the probation department's responsibility pursuant to § 12-253 to initiate the contact between the victim and the probation department concerning the victim's economic, physical, psychological or emotional harm. At the time of contact, the probation department shall advise the victim of the date, time and place of sentencing and of the victim's right to be present and be heard at that proceeding.</p> <p><i>Ariz. R. Crim. P. 39 [Victims' Rights]</i></p> <p>....</p> <p>(b) Victims' Rights. These rules must be construed to preserve and protect a victim's rights to justice and due process. Notwithstanding the provisions of any other rule, a victim has and is entitled to assert each of the following rights:</p> <p>....</p> <p>(7) upon request, the right to notice of and to be heard at any criminal proceeding involving:</p> <p>....</p> <p>(E) sentencing;</p> <p>(F) the modification of any term of probation that will substantially affect the victim's safety, the defendant's contact with the victim, or restitution;</p> <p>(G) the early termination of probation;</p> <p>(H) a probation revocation disposition; and</p> <p>(I) post-conviction release.</p> <p>....</p> <p>(c) Exercising the Right to Be Heard.</p> <p>(1) <i>Nature of the Right.</i> If a victim exercises the right to be heard, the victim does not do so as a witness and the victim is not subject to cross-examination. A victim is not required to disclose any statement to any party and is not required to submit any written statement to the court. The court must give any party the opportunity to explain, support, or refute the victim's statement. This subsection does not apply to victim impact statements made in a capital case under A.R.S. § 13-752(R).</p> <p>(2) <i>Victims in Custody.</i> If a victim is in custody for an offense, the victim's right to be heard under this rule is satisfied by affording the victim the opportunity to submit a written statement.</p> <p>(3) <i>Victims Not in Custody.</i> A victim who is not in custody may exercise the right to be heard under this rule through an oral statement or by submitting a written or recorded statement.</p> |
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| | <p>(4) <i>At Sentencing</i>. The right to be heard at sentencing allows the victim to present evidence, information, and opinions about the criminal offense, the defendant, the sentence, or restitution. The victim also may submit a written or oral impact statement to the probation officer for use in any presentence report.</p> <p>....</p> <p><i>Ariz. Rev. Stat. Ann. § 31-402 [Powers of board; powers and duties of governor; powers and duties of executive director]</i></p> <p>A. For all persons who committed felony offenses before January 1, 1994, the board of executive clemency shall have exclusive power to pass on and recommend reprieves, commutations, paroles and pardons. No reprieve, commutation or pardon may be granted by the governor unless it has first been recommended by the board.</p> <p>B. For all persons who committed felony offenses before January 1, 1994, all applications for reprieves, commutations and pardons made to the governor shall be at once transmitted to the chairman of the board, and the board shall return the applications with its recommendation to the governor. All applications for reprieves, commutations and pardons made to the governor shall include documentation that the victim or the victim's family was notified pursuant to § 31-411, subsection H.</p> <p>C. For all persons who committed felony offenses on or after January 1, 1994, in addition to the powers and duties prescribed in subsection A of this section, the board of executive clemency:</p> <ol style="list-style-type: none"> 1. Is vested with the powers and duties of the board of pardons and paroles as they existed before January 1, 1994 to carry out the provisions of articles 3, 4.1, 5, 6 and 7 of this chapter. 2. After a hearing for which the victim, county attorney and presiding judge are given notice and an opportunity to be heard, may make recommendations to the governor for commutation of sentence after finding by clear and convincing evidence that the sentence imposed is clearly excessive given the nature of the offense and the record of the offender and that there is a substantial probability that when released the offender will conform the offender's conduct to the requirements of the law. <p>....</p> |
| Arkansas | <p><i>Ark. Code Ann. § 16-90-1112 [Victim-impact statement]</i></p> <p>(a)(1) Before imposing sentence, the court shall permit the victim to present a victim impact statement concerning the effects of the crime on the victim, the circumstances surrounding the crime, and the manner in which the crime was perpetrated.</p> <p>(2) The victim may present the statement in writing before the sentencing proceeding or orally under oath at the sentencing proceeding.</p> |

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| | <p>(b) The court shall give copies of all written victim impact statements to the prosecuting attorney and the defendant.</p> <p>(c) The sentencing court shall consider the victim impact statement along with other factors, but if the victim impact statement includes new material factual information upon which the court intends to rely, the court shall adjourn the sentencing proceeding or take other appropriate action to allow the defendant adequate opportunity to respond.</p> <p><i>Ark. Code Ann. § 16-90-1111 [Presentence report]</i></p> <p>In preparing a presentence report, the person preparing the report shall make a reasonable effort to confer with the victim. If the victim is not available or declines to confer, the person preparing the report shall record that information in the report.</p> <p><i>Ark. Code Ann. § 16-90-1113 [Consideration and release of a victim impact statement during an inmate's parole determination]</i></p> <p>(a)(1)(A) Before determining whether to release the inmate on parole, the Parole Board shall permit the victim to present a written victim impact statement at a victim impact hearing concerning the effects of the crime on the victim, the circumstances surrounding the crime, the manner in which the crime was perpetrated, and the victim's opinion regarding whether the inmate should be released on parole.</p> <p>(B) At the victim's option, the victim may present the statement verbally at a victim impact hearing conducted by one (1) or more members of the board.</p> <p>(2) Under this section, a victim impact hearing may be conducted through video-conference technology if utilizing video-conference technology does not inhibit the victim's statement.</p> <p>(b)(1) Except in those circumstances listed under subdivision (b)(2) of this section, the board upon request shall give the inmate a copy of all impact statements written by the victim.</p> <p>(2)(A) An impact statement written by the victim of an offense requiring registration under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., or of an offense defined as a sex offense by § 16-90-1101, is privileged and shall not be disclosed, directly or indirectly, to any person other than a member of the board, its authorized agents, a court, or other person, not including the inmate, entitled under this section to receive the statement.</p> <p>(B) However, the board or a court with jurisdiction may order the disclosure of an impact statement written by the victim and otherwise privileged under this subdivision (b)(2) to the affected inmate when the board or a court finds that the interests or welfare of the inmate outweighs the privacy and safety interests of the victim or to enhance the accuracy of the board's determination.</p> |
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| | <p>(c) In deciding whether to release an inmate on parole, the board shall consider among other factors:</p> <p>(1) Victim impact statements presented under subsection (a) of this section; and</p> <p>(2) Victim impact statements presented to the sentencing court under § 16-90-1112.</p> <p>(d) The board may establish rules not otherwise addressed by this section governing the preparation, use, and disclosure of a victim impact statement.</p> <p><i>Ark. Code Ann. § 16-93-702 [Procedures--Required recommendations]</i></p> <p>(a) Before the Parole Board shall grant any parole, the board shall solicit the written or oral recommendations of the committing court, the prosecuting attorney, and the county sheriff of the county from which the inmate was committed.</p> <p>(b) If the person whose parole is being considered by the board was convicted of capital murder, § 5-10-101, or of a Class Y felony, Class A felony, or Class B felony, or any violent or sexual offense, the board shall also notify the victim of the crime, or the victim's next of kin, of the parole hearing and shall solicit written or oral recommendations of the victim or the victim's next of kin regarding the granting of the parole, unless the prosecuting attorney has notified the board at the time of commitment of the prisoner that the victim or the victim's next of kin does not want to be notified of future parole hearings.</p> <p>(c) The board shall retain a copy of the recommendations in the board's file.</p> <p>(d) The recommendations shall not be binding upon the board in the granting of any parole but shall be maintained in a file that shall be open to the public during reasonable business hours.</p> <p>(e) When soliciting recommendations from a victim of a crime, the board shall notify the victim or the victim's next of kin of the date, time, and place of the parole hearing.</p> <p><i>Ark. Code Ann. § 16-93-204 [Executive clemency]</i></p> <p>....</p> <p>(d)(1) Before the board shall consider an application for a pardon or recommend a commutation of sentence, the board shall solicit the written or oral recommendation of the committing court, the prosecuting attorney, and the county sheriff of the county from which the person was committed.</p> <p>(2)(A) Before considering an application for a pardon or recommending a commutation of sentence of a person who was convicted of capital murder, § 5-10-101, or a Class Y felony, Class A felony, or Class B felony, the board shall notify the victim of the crime or the victim's next of kin, if he or she files a request for notice with the prosecuting attorney.</p> |
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| | <p>(B) When the board provides notice under subdivision (d)(2)(A) of this section, the board shall solicit the written or oral recommendations of the victim or the victim's next of kin regarding the granting of a pardon or commutation of sentence.</p> <p>....</p> <p>(5)(A) If a hearing will be held on the application, the board shall notify the victim or the victim's next of kin of the date, time, and place of the hearing.</p> <p>(B) The notice shall be given when soliciting the recommendations of the victim of the crime or the victim's next of kin.</p> <p>....</p> |
| California | <p><i>Cal. Const. art. I, § 28 [Findings and declarations; rights of victims; enforcement]</i></p> <p>....</p> <p>(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:</p> <p>(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.</p> <p>....</p> <p>(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.</p> <p>....</p> <p>(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.</p> <p>....</p> <p><i>Cal. Penal Code § 679.02 [Statutory rights of victims and witnesses of crimes]</i></p> <p>(a) The following are hereby established as the statutory rights of victims and witnesses of crimes:</p> <p>....</p> <p>(3) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all sentencing proceedings, and of the right to appear, to reasonably express his</p> |

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| | <p>or her views, have those views preserved by audio or video means as provided in Section 1191.16, and to have the court consider his or her statements, as provided by Sections 1191.1 and 1191.15.</p> <p>(4) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all juvenile disposition hearings in which the alleged act would have been a felony if committed by an adult, and of the right to attend and to express his or her views, as provided by Section 656.2 of the Welfare and Institutions Code.</p> <p>(5) Upon request by the victim or the next of kin of the victim if the victim has died, to be notified of any parole eligibility hearing and of the right to appear, either personally as provided by Section 3043 of this code, or by other means as provided by Sections 3043.2 and 3043.25 of this code, to reasonably express his or her views, and to have his or her statements considered, as provided by Section 3043 of this code and by Section 1767 of the Welfare and Institutions Code.</p> <p>....</p> <p><i>Cal. Penal Code § 1191.1 [Victim, parents or guardians, or next of kin; appearance and statement at sentencing proceedings; duty of court; amendment of section]</i></p> <p>....</p> <p>The victim, or up to two of the victim's parents or guardians if the victim is a minor, or the next of kin of the victim if the victim has died, have the right to appear, personally or by counsel, at the sentencing proceeding and to reasonably express his, her, or their views concerning the crime, the person responsible, and the need for restitution. The court in imposing sentence shall consider the statements of victims, parents or guardians, and next of kin made pursuant to this section and shall state on the record its conclusion concerning whether the person would pose a threat to public safety if granted probation.</p> <p>....</p> <p><i>Cal. Penal Code § 3043 [Parole suitability; notice to victim and other designated persons; right to appear and comment; victim and family impact]</i></p> <p>....</p> <p>(b)(1) The victim, next of kin, members of the victim's family, and two representatives designated as provided in paragraph (2) of this subdivision have the right to appear, personally or by counsel, at the hearing and to adequately and reasonably express his, her, or their views concerning the inmate and the case, including, but not limited to the commitment crimes, determinate term commitment crimes for which the inmate has been paroled, any other felony crimes or crimes against the person for which the inmate has been convicted, the effect of the</p> |
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| | <p>enumerated crimes on the victim and the family of the victim, the person responsible for these enumerated crimes, and the suitability of the inmate for parole.</p> <p>(2) Any statement provided by a representative designated by the victim or next of kin may cover any subject about which the victim or next of kin has the right to be heard including any recommendation regarding the granting of parole. The representatives shall be designated by the victim or, in the event that the victim is deceased or incapacitated, by the next of kin. They shall be designated in writing for the particular hearing before the hearing.</p> <p>(c) A representative designated by the victim or the victim's next of kin for purposes of this section may be any adult person selected by the victim or the family of the victim. The board shall permit a representative designated by the victim or the victim's next of kin to attend a particular hearing, to provide testimony at a hearing, and to submit a statement to be included in the hearing as provided in Section 3043.2, even though the victim, next of kin, or a member of the victim's immediate family is present at the hearing, and even though the victim, next of kin, or a member of the victim's immediate family has submitted a statement as described in Section 3043.2.</p> <p>(d) The board, in deciding whether to release the person on parole, shall consider the entire and uninterrupted statements of the victim or victims, next of kin, immediate family members of the victim, and the designated representatives of the victim or next of kin, if applicable, made pursuant to this section and shall include in its report a statement whether the person would pose a threat to public safety if released on parole.</p> <p>(e) In those cases where there are more than two immediate family members of the victim who wish to attend any hearing covered in this section, the board shall allow attendance of additional immediate family members to include the following: spouse, children, parents, siblings, grandchildren, and grandparents.</p> <p><i>Cal. Penal Code § 1191.15 [Victim, his or her parent, guardian or next of kin; written or electronically recorded statements at sentencing; process]</i></p> <p>(a) The court may permit the victim of any crime, his or her parent or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to file with the court a written, audiotaped, or videotaped statement, or statement stored on a CD-ROM, DVD, or any other recording medium acceptable to the court, expressing his or her views concerning the crime, the person responsible, and the need for restitution, in lieu of or in addition to the person personally appearing at the time of judgment and sentence. The court shall consider the statement filed with the court prior to imposing judgment and sentence.</p> <p>Whenever an audio or video statement or statement stored on a CD-ROM, DVD, or other medium is filed with the court, a written transcript of the statement shall also be provided by the person filing the statement, and shall be made available as a public record of the court after the judgment and sentence have been imposed.</p> |
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| | <p>(b) Whenever a written, audio, or video statement or statement stored on a CD-ROM, DVD, or other medium is filed with the court, it shall remain sealed until the time set for imposition of judgment and sentence except that the court, the probation officer, and counsel for the parties may view and listen to the statement not more than two court days prior to the date set for imposition of judgment and sentence.</p> <p>(c) A person or a court shall not permit any person to duplicate, copy, or reproduce by audio or visual means a statement submitted to the court under the provisions of this section.</p> <p>(d) Nothing in this section shall be construed to prohibit the prosecutor from representing to the court the views of the victim, his or her parent or guardian, the next of kin, or the California Victim Compensation Board.</p> <p>(e) In the event the court permits an audio or video statement or statement stored on a CD-ROM, DVD, or other medium to be filed, the court shall not be responsible for providing any equipment or resources needed to assist the victim in preparing the statement.</p> <p><i>Cal. Penal Code § 1191.16 [Rights of victims in sentencing proceedings; indeterminate prison terms; audio or video statements]</i></p> <p>The victim of any crime, or the parents or guardians of the victim if the victim is a minor, or the next of kin of the victim if the victim has died, who choose to exercise their rights with respect to sentencing proceedings as described in Section 1191.1 may, in any case where the defendant is subject to an indeterminate term of imprisonment, have their statements simultaneously recorded and preserved by means of videotape, videodisc, or any other means of preserving audio and video, if they notify the prosecutor in advance of the sentencing hearing and the prosecutor reasonably is able to provide the means to record and preserve the statement. If a video and audio record is developed, that record shall be maintained and preserved by the prosecution and used in accordance with the regulations of the Board of Prison Terms at any hearing to review parole suitability or the setting of a parole date.</p> <p><i>Cal. Penal Code § 1170 [Determinate sentencing]</i></p> <p>....</p> <p>(b) When a judgment of imprisonment is to be imposed and the statute specifies three possible terms, the choice of the appropriate term shall rest within the sound discretion of the court. At least four days prior to the time set for imposition of judgment, either party or the victim, or the family of the victim if the victim is deceased, may submit a statement in aggravation or mitigation. In determining the appropriate term, the court may consider the record in the case, the probation officer's report, other reports, including reports received pursuant to Section 1203.03, and statements in aggravation or mitigation submitted by the prosecution, the defendant, or the victim, or the family of the victim if the victim is deceased, and any further evidence introduced at the sentencing hearing.</p> |
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| | <p>The court shall select the term which, in the court’s discretion, best serves the interests of justice. The court shall set forth on the record the reasons for imposing the term selected and the court may not impose an upper term by using the fact of any enhancement upon which sentence is imposed under any provision of law. A term of imprisonment shall not be specified if imposition of sentence is suspended.</p> <p>....</p> <p>(d)(2)(G) The court shall have the discretion to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. The discretion of the court shall be exercised in consideration of the criteria in subparagraph (F). Victims, or victim family members if the victim is deceased, shall be notified of the resentencing hearing and shall retain their rights to participate in the hearing.</p> <p>....</p> <p><i>Cal. Penal Code § 4805 [Notice to district attorney of application for commutation of sentence; proof of service to Governor; notification of victims; written recommendations]</i></p> <p>(a) At least 10 days before the Governor acts upon an application for a commutation of sentence, written notice of the intention to apply therefor, signed by the person applying, shall be served upon the district attorney of the county where the conviction was had, and proof, by affidavit, of the service shall be presented to the Governor.</p> <p>(b) The district attorney may submit a written recommendation to the Governor for or against commutation of sentence.</p> <p>(c) The district attorney shall make reasonable efforts to notify the victim or victims of the crime or crimes related to the application and the victims’ families who may also submit a recommendation to the Governor for or against commutation of sentence.</p> |
| Colorado | <p><i>Colo. Const. art. II, § 16a [Rights of crime victims]</i></p> <p>Any person who is a victim of a criminal act, or such person’s designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process. All terminology, including the term “critical stages”, shall be defined by the general assembly.</p> <p><i>Colo. Rev. Stat. Ann. § 16-11-601 [Right to attend sentencing]</i></p> <p>The victim of any crime or a relative of the victim, if the victim has died, has the right to attend all sentencing proceedings resulting from a conviction of said crime under any laws of this state. Said person has the right to</p> |

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| | <p>appear, personally or with counsel, at the sentencing proceeding and to adequately and reasonably express his or her views concerning the crime, the defendant, the need for restitution, and the type of sentence which should be imposed by the court. The court, in imposing sentence, shall consider the statements of such person and shall make a finding, on the record, as to whether or not the defendant would pose a threat to public safety if granted probation.</p> <p><i>Colo. Rev. Stat. Ann. § 17-2-214 [Right to attend parole hearings]</i></p> <p>(1) The victim of any crime or any person requested by the victim to appear on behalf of such victim or a relative of the victim, if the victim has died or is a minor or is incapacitated and unable to appear, has the right to attend any parole proceeding under this title relative to said crime and has the right to appear, personally or with counsel, at the proceeding and to reasonably express his or her views concerning the crime, the offender, and whether or not the offender should be released on parole, and if so released under what conditions. The board, in deciding whether to release the offender on parole, and if so under what conditions, shall consider the testimony of such person.</p> <p>....</p> <p><i>Colo. Rev. Stat. Ann. § 19-2-112 [Victim's right to attend dispositional, review, and restitution proceedings]</i></p> <p>The victim of any delinquent act or a relative of the victim, if the victim has died, has the right to attend all dispositional, review, and restitution proceedings resulting from the adjudication of such act. The victim or his or her relative has the right to appear at the proceedings personally or with counsel and to adequately and reasonably express his or her views concerning the act, the juvenile, the need for restitution, and the type of dispositional orders that should be issued by the court. When issuing such orders, the court shall consider the statements made by the victim or his or her relative and shall make a finding, on the record, when appropriate, as to whether or not the juvenile would pose a threat to public safety if granted probation.</p> <p><i>Colo. Rev. Stat. Ann. § 24-4.1-302.5 [Rights afforded to victims—definitions]</i></p> <p>(1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:</p> <p>....</p> <p>(d) The right to be heard at any court proceeding:</p> <p>....</p> <p>(IV) At which a person accused or convicted of a crime against the victim is sentenced or resentenced;</p> <p>(V) At which the sentence of a person accused or convicted of a crime against the victim is modified;</p> |
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| | <p>....</p> <p>(VIII) Involving a petition for expungement as described in section 19-1-306.</p> <p>(d.5)(I) If a victim or a victim's designee is unavailable to be present for the critical stages described in paragraph (d) of this subsection (1) and the victim or the victim's designee wishes to address the court, the right to request that the court, within the court's resources, arrange and provide the means for the victim and the victim's designee to provide input to the court beyond a written victim impact statement.</p> <p>(II) For purposes of this paragraph (d.5), "unavailable" means that the victim or the victim's designee is physically unable to attend the court hearing, may sustain a financial hardship to attend the court hearing, is concerned for his or her safety if he or she attends the court hearing, may suffer significant emotional impact by attending the hearing, or is unavailable for other good cause.</p> <p>(III) The victim or the victim's designee shall notify the district attorney within a reasonable time that he or she is unavailable to attend the court hearing. The district attorney's office shall then inform the court that the victim or the victim's designee, due to his or her unavailability, is requesting the court to arrange for and provide the means to address the court, which may include but need not be limited to appearing by phone or similar technology. The district attorney shall inform the victim or the victim's designee of the court's decision regarding an alternate arrangement.</p> <p>(IV) This subsection (1)(d.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth services in the department of human services, but is limited to participation by telephone.</p> <p>....</p> <p>(g) The right to be present at the sentencing hearing, including any hearing conducted pursuant to section 18-1.3-1201 or 18-1.4-102, C.R.S., for cases involving class 1 felonies, of any person convicted of a crime against such victim, and to inform the district attorney and the court, in writing, by a victim impact statement, and by an oral statement, of the harm that the victim has sustained as a result of the crime, with the determination of whether the victim makes written input or oral input, or both, to be made at the sole discretion of the victim;</p> <p>....</p> <p>(j) The right to be informed, upon written request from the victim, of any proceeding at which any postconviction release from confinement in a secure state correctional facility is being considered for any person convicted of a crime against the victim and the right to be heard at any such proceeding or to provide written information thereto. For purposes of this subsection (1), "proceeding" means reconsideration of sentence, a parole hearing, a full parole board review, commutation of sentence, or consideration for placement in the specialized program developed by the department of corrections pursuant to section 17-34-102.</p> |
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| | <p>(j.2) The right to be informed of any request for progression from the state mental health hospital on behalf of a person in its custody as a result of a criminal case involving the victim, and the right to be heard at any hearing during which a court considers such a request. For purposes of this subsection (1)(j.2), “request for progression” includes any request for off-grounds or unsupervised privileges, community placement, conditional release, unconditional discharge, or a special furlough.</p> <p>....</p> <p>(j.5)(I) The right to provide a written victim impact statement that will be included with any referral made by the department of corrections or a district court to place an offender in a community corrections facility or program. A community corrections board may allow a victim to provide an oral statement to the community corrections board when an offender is being considered for a direct sentence to community corrections and may place reasonable limits on the victim’s oral statement.</p> <p>(II) For purposes of this paragraph (j.5), the victim shall have the right to provide a separate oral statement to the community corrections board considering a transitional referral, but the board shall have discretion to place reasonable parameters on the victim’s oral statement. If a community corrections board denies the offender’s referral to community corrections, the victim’s right under this subparagraph (II) to provide an oral statement shall not take effect.</p> <p>(III) For purposes of this subsection (1)(j.5), if a victim or a victim’s designee is unavailable to be present for a proceeding to consider an offender for a direct sentence or transitional referral to community corrections as described in subsection (1)(j.5)(I) of this section, and the victim or the victim’s designee wishes to address the community corrections board, the victim or the victim’s designee shall notify the community corrections board within a reasonable time that the victim is unavailable to attend the proceeding but would like to make a statement. Within its resources, the community corrections board shall arrange for and provide the means for the victim to address the board, which means may include, but need not be limited to, appearing by phone or via similar technology.</p> <p>(IV) For purposes of this subsection (1)(j.5), “unavailable” means the victim or the victim’s designee is physically unable to attend the proceeding, may sustain a financial hardship to attend the proceeding, is concerned for his or her safety if he or she attends the proceeding, may suffer significant emotional impact by attending the proceeding, or is unavailable for other good cause.</p> <p>(V) This subsection (1)(j.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth corrections in the department of human services but is limited to participation by phone or similar technology.</p> <p>....</p> |
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| Connecticut | <p><i>Conn. Const. art. I, § 8 [Rights of accused in criminal prosecutions. What cases bailable. Speedy trial. Due process. Excessive bail or fines. Probable cause shown at hearing, when necessary. Rights of victims of crime]</i></p> <p>....</p> <p>b. In all criminal prosecutions, a victim, as the general assembly may define by law, shall have the following rights: (8) the right to make a statement to the court at sentencing;</p> <p><i>Conn. Gen. Stat. Ann. § 51-196 [Review of sentence or commitment. Decision]</i></p> <p>....</p> <p>(c) At a hearing held under this section, the review division shall permit any victim of the crime to appear before the division for the purpose of making a statement for the record concerning whether or not the sentence or commitment of the defendant should be increased or decreased or should stand. In lieu of such appearance, the victim may submit a written statement to the review division and the review division shall make such statement a part of the record at the hearing. For the purposes of this subsection, “victim” means the victim, the legal representative of the victim or a member of the deceased victim’s immediate family.</p> <p>....</p> <p><i>Conn. Gen. Stat. Ann. § 53a-39 [Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim]</i></p> <p>....</p> <p>(d) At a hearing held by the sentencing court or judge under this section, such court or judge shall permit any victim of the crime to appear before the court or judge for the purpose of making a statement for the record concerning whether or not the sentence of the defendant should be reduced, the defendant should be discharged or the defendant should be discharged on probation or conditional discharge pursuant to subsection (a) or (b) of this section. In lieu of such appearance, the victim may submit a written statement to the court or judge and the court or judge shall make such statement a part of the record at the hearing. For the purposes of this subsection, “victim” means the victim, the legal representative of the victim or a member of the deceased victim’s immediate family.</p> <p><i>Conn. Gen. Stat. Ann. § 54-130d [Testimony of crime victim at session of board. Notification of Office of Victim Services of board’s action]</i></p> <p>....</p> <p>(b) At a session held by the Board of Pardons and Paroles to consider whether to grant a commutation of punishment or release, conditioned or absolute, a commutation from the penalty of death or a pardon, conditioned</p> |
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| | <p>or absolute, to any person convicted of any crime, the board shall permit any victim of the crime for which the person was convicted to appear before the board for the purpose of making a statement for the record concerning whether the convicted person should be granted such commutation, release or pardon. In lieu of such appearance, the victim may submit a written statement to the board and the board shall make such statement a part of the record at the session.</p> <p>(c) If the Board of Pardons and Paroles is prepared to grant a commutation of punishment or release, conditioned or absolute, a commutation from the penalty of death or a pardon, conditioned or absolute, to a person convicted of an offense involving the use, attempted use or threatened use of physical force against another person or resulting in the physical injury, serious physical injury or death of another person, it shall make reasonable efforts to locate and notify any victim of the crime for which such person was convicted prior to granting such commutation, release or pardon and shall permit such victim to appear before the board and make a statement or submit a statement as provided in subsection (b) of this section.</p> <p>....</p> <p><i>Conn. Gen. Stat. Ann. § 54-126a [Testimony of crime victim at parole hearing. Notification to victim]</i></p> <p>....</p> <p>(b) (1) When a hearing is scheduled by the Board of Pardons and Paroles for the purpose of determining the eligibility for parole of an inmate incarcerated for the commission of any crime, the Office of Victim Services shall notify any victim of such crime who is registered with the board of the time, date and location of the hearing and include information that such victim may make a statement or submit a written statement pursuant to this section.</p> <p>(2) A panel of said board shall permit any victim of the crime for which the inmate is incarcerated to appear before the panel for the purpose of making a statement for the record concerning whether the inmate should be released on parole or the nature of any terms or conditions to be imposed upon any such release. In lieu of such appearance, the victim may submit a written statement to the panel and the panel shall make such statement a part of the record at the parole hearing. At any such hearing, the record shall reflect that all reasonable efforts to notify registered victims were undertaken.</p> <p>....</p> <p><i>Conn. Gen. Stat. Ann. § 54-91c [Testimony of victim or representative of deceased victim prior to acceptance of plea agreement and at sentencing hearing. Terms of proposed plea agreement. Notification by state's attorney]</i></p> <p>....</p> |
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| | <p>(b) Prior to the imposition of sentence upon any defendant who has been found guilty of any crime or has pleaded guilty or nolo contendere to any crime, and prior to the acceptance by the court of a plea of guilty or nolo contendere made pursuant to a plea agreement with the state wherein the defendant pleads to a lesser offense than the offense with which such defendant was originally charged, the court shall permit any victim of the crime to appear before the court for the purpose of making a statement for the record, which statement may include the victim's opinion of any plea agreement. In lieu of such appearance, the victim may submit a written statement or, if the victim of the crime is deceased, the legal representative or a member of the immediate family of such deceased victim may submit a statement of such deceased victim to the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case. Such state's attorney, assistant state's attorney or deputy assistant state's attorney shall file the statement with the sentencing court and the statement shall be made a part of the record at the sentencing hearing. Any such statement, whether oral or written, shall relate to the facts of the case, the appropriateness of any penalty and the extent of any injuries, financial losses and loss of earnings directly resulting from the crime for which the defendant is being sentenced. The court shall inquire on the record whether any victim is present for the purpose of making an oral statement or has submitted a written statement. If no victim is present and no such written statement has been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim as provided in subdivision (1) of subsection (c) of this section or, if the defendant was originally charged with a violation of section 53a-167c for assaulting a peace officer, whether the peace officer has been personally notified as provided in subdivision (2) of subsection (c) of this section. After consideration of any such statements, the court may refuse to accept, where appropriate, a negotiated plea or sentence, and the court shall give the defendant an opportunity to enter a new plea and to elect trial by jury or by the court.</p> <p>....</p> |
| Delaware | <p><i>Del. Code Ann. tit. 11, § 4331 [Presentence investigation; victim impact statement]</i></p> <p>....</p> <p>(d) Except for those offenses where no victim can be ascertained, a victim impact statement shall be presented to the court prior to the sentencing of a convicted person, where such person has been convicted of:</p> <ol style="list-style-type: none"> (1) A felony; (2) An offense under subchapter V, Chapter 5 of this title or subpart D, subchapter II, Chapter 5 of this title; or (3) A misdemeanor which resulted in physical injury or death. |

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| | <p>The victim impact statement shall not be required where an immediate sentence is rendered, except in cases of conviction by plea or where the defendant has been convicted under § 4209A of this title [repealed].</p> <p>(e) A victim impact statement shall:</p> <ol style="list-style-type: none"> (1) Identify, to such extent as can be reasonably ascertained, those victims (except persons involved in the commission of the offense) who received physical, psychological or economic injury as a result of the offense; (2) Describe, to the extent possible, such physical, psychological or economic injury; (3) Identify any physical injury suffered by the victim, together with a description of the seriousness and permanence of such injury; (4) Contain a description of any change in the victim's personal welfare or familial relationships which can reasonably be attributed to the offense; (5) Identify any request for psychological services or counselling services initiated by any person identified under paragraph (e)(1) of this section, if such request or need for such services can reasonably be determined to have resulted from the offense; (6) Determine any fees or costs for psychological or counselling services; and (7) Any other information relating to the impact of the offense upon the victim or other person. <p>(f) If a victim or other person identified in subsection (e) of this section is deceased; is a child; is under a mental, physical or legal disability; or is otherwise unable to provide the information required under this section, such information may be obtained from the personal representative, guardian, committee, family member, treatment professional, child protection agency or such other involved state agency as the presentence officer may deem necessary.</p> <p>(g) The provisions of this section relating to victim impact statements shall apply only to those victims who have cooperated with the court and with Investigative Services officers. The provisions of this section relating to victim impact statements shall apply to all courts having original jurisdiction to hear, try and finally determine criminal offenses; provided, however, that such provisions shall not apply to Justices of the Peace Courts.</p> <p>....</p> <p><i>Del. Ct. C.P. R. Crim. P. 32 [Sentence and Judgment]</i></p> <p>(a) Sentence.</p> <p>(1) <i>Imposition of Sentence.</i> Before imposing sentence, the Court shall also:</p> <p>(A) Determine that the defendant's counsel or, when the defendant is acting pro se, the defendant have had the opportunity to read the presentence investigation report made available pursuant to subdivision (c)(3);</p> <p>....</p> |
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| | <p>(D) Upon the request of the Attorney General, afford the victim, if present, an opportunity to offer prior comment on the sentencing of a defendant, including the submission of a written or oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim’s family for any offense enumerated in 11 <i>Del.C.</i> § 9401(1) or, with the court’s discretion, for any other offense. The Attorney General shall have an equivalent opportunity to speak to the Court. Upon a motion that is jointly filed by the defendant and the Attorney General, the Court may hear in camera such a statement by the defendant, counsel for the defendant, or the Attorney General.</p> <p>....</p> <p>(c) Presentence Investigation.</p> <p>....</p> <p>(2) <i>Report.</i> Unless the court orders a limited investigation, the report of the presentence investigation shall contain:</p> <p>....</p> <p>(D) A victim impact statement in accordance with 11 <i>Del.C.</i> § 4331(d);</p> <p>....</p> <p>(3) <i>Disclosure.</i> Before imposing sentence, the Court shall allow, the defendant’s counsel or, when the defendant is acting pro se, the defendant and the Attorney General an opportunity to read the report of the presentence investigation, including the information required by subdivision (c)(2) but not including any final recommendation as to sentence.</p> <p>....</p> <p><i>Del. Code Ann. tit. 11, § 9415 [Presentence report]</i></p> <p>In preparing a presentence report, the Investigative Services Officer shall make a reasonable effort to confer with the victim. If the victim is not available or declines to confer, the Investigative Services Officer shall record that information in the report. The victim shall have the right to present a victim-impact statement pursuant to § 4331 of this title.</p> <p><i>Del. Code Ann. tit. 11, § 9416 [Consideration of victim-impact statement at Board of Parole hearing or Board of Pardons hearing]</i></p> <p>(a) The Board of Parole shall inform the victim in writing of:</p> <p>(1) The right of the victim to address the Parole Board in writing or in person; and</p> <p>(2) The decision of the Parole Board.</p> <p>(b) The Board of Pardons shall inform the victim in writing of:</p> |
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| | <p>(1) The right of the victim to address the Board of Pardons in writing or in person;</p> <p>(2) Any commutation of sentence that is recommended by the Board; and</p> <p>(3) Any pardon or commutation that is granted.</p> <p><i>Del. Code Ann. tit. 11, § 4350 [Conduct of hearings on applications for parole]</i></p> <p>(a) The Board shall adopt rules for hearing oral statements or arguments by persons not connected with the Department of Correction when hearing applications for parole. In developing those rules, the Board shall reserve for itself the right to:</p> <p>(1) Limit the length of each statement;</p> <p>(2) Restrict the number of individuals allowed to attend parole hearings in accordance with physical limitations or security requirements of the hearing facilities; and</p> <p>(3) Deny admission or continued attendance to individuals who threaten or present a danger to the attendees or participants or who disrupt the hearing.</p> <p>The Board shall also accept written statements.</p> <p>(b) The Board may take formal action to close their proceedings upon a majority vote of members present for the following reasons:</p> <p>(1) To protect ongoing law-enforcement investigations, upon written request of the attorney general or law-enforcement agency;</p> <p>(2) To deliberate upon oral or written arguments received;</p> <p>(3) To provide opportunity for applicants to challenge confidential information which they believe is detrimental to their applications; or</p> <p>(4) At the request of the victim or, in the case of first-degree murder, the immediate family of the victim.</p> <p>....</p> <p>(d) When the Board is hearing an application for parole made by an offender, the victim or immediate family of the victim of such crime or their duly appointed representatives may make oral statements or arguments before the Board with respect to the application for parole being considered. Victims or their representatives shall have priority in making statements before the Board.</p> <p>(e) As used in this section, the phrase “immediate family” shall mean widow, widower, parents, children, brothers and sisters of the victim.</p> <p><i>Del. Code Ann. tit. 11, § 4361 [Board of Pardons; attendance of victims and witnesses]</i></p> <p>....</p> |
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| | <p>(d) Upon the application of any convicted felon for a pardon, the Board shall notify the Superior Court and the Attorney General of such application. The Attorney General in cooperation with the Superior Court shall send notice of such application to each person who was a victim or witness of the offense for which the felon was convicted, that the felon has applied for a pardon. Such notice shall contain the time, date and place where the matter shall be heard by the Board. Where a victim or witness is known to be deceased, a good faith effort shall be made to send notice to a member of the immediate family of such person. Where the victim or witness is known to be under 18 years of age or is incompetent, a good faith effort shall be made to send the notice to the parent, guardian or custodian of such person. Notification for the purpose of this section shall be by certified mail (return receipt requested) to the last known address of such victim or witness. Each such victim or witness shall be permitted to testify at the pardons hearing. A victim or witness may, in lieu of appearing before the Board, submit a written statement to the Board at any time prior to the hearing. For purposes of this subsection, the word “witness” shall mean a person who testified for the prosecution at the trial in which the felon was convicted of the crime from which the felon seeks to be pardoned; provided, however, that the word “witness” shall not include any law enforcement officer, any person who testified merely as an expert witness, nor any person who was merely a custodian of the evidence, with no knowledge of the circumstances of the offense.</p> <p>....</p> |
| District of Columbia | <p><i>18 U.S.C. § 3771 [Crime victims’ rights]</i></p> <p>(a) Rights of crime victims.--A crime victim has the following rights:</p> <p>....</p> <p>(4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.</p> <p>....</p> <p>(e) Definitions.--For the purposes of this chapter:</p> <p>(1) Court of appeals.--The term “court of appeals” means--</p> <p>(A) the United States court of appeals for the judicial district in which a defendant is being prosecuted; or</p> <p>(B) for a prosecution in the Superior Court of the District of Columbia, the District of Columbia Court of Appeals.</p> <p>(2) Crime victim.--</p> <p>(A) In general.--The term “crime victim” means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia.</p> |

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| | <p><i>D.C. Code Ann. § 23-1904 [Crime victims' rights at sentencing.]</i></p> <p>(a) Crime victims shall have the right to be present at the defendant's sentencing, release, parole, post-conviction, and record-sealing hearings.</p> <p>(b) Crime victims shall have the right to submit, prior to the imposition of sentence, a written victim impact statement containing information concerning any emotional, psychological, financial, or physical harm done to or loss suffered by the victim.</p> <p>(c) In determining the appropriate sentence to be imposed on the defendant, the Court shall consider any victim impact statement submitted in accordance with this chapter and such statement shall be made a part of the pre-sentence report filed by the Court Services and Offender Supervision Agency.</p> <p>(d) Crime victims shall have the right to offer at the defendant's release or parole hearing a written statement of the victim's opinion whether the defendant should be granted release or parole.</p> <p>(e) Crime victims shall have the right to make a statement at the defendant's sentencing and record-sealing hearings. The absence of the crime victim shall not preclude the court from holding the sentencing or record-sealing hearings.</p> <p>....</p> <p><i>D.C. Code Ann. § 23-103 [Statements prior to sentence.]</i></p> <p>(a) Except as provided in subsection (b) of this section, before imposing sentence the court may disclose to the defendant's counsel and to the prosecuting attorney, but not to one and not the other, all or part of any pre-sentencing report submitted to the court in the case. The court also prior to imposing sentence shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment. At any time when the defendant or his counsel addresses the court on the sentence to be imposed, the prosecuting attorney shall, if he wishes, have an equivalent opportunity to address the court and to make a recommendation to the court on the sentence to be imposed and to present information in support of his recommendation. Such information as the defendant or his counsel or the prosecuting attorney may present shall at all times be subject to the applicable rules of mutual discovery.</p> <p>(b) When a victim elects to file a victim impact statement pursuant to § 23-103a, the court shall disclose the victim impact statement portion of the presentence report at a reasonable time prior to imposing sentence to the defendant's counsel and to the prosecuting attorney.</p> <p><i>D.C. Super. Ct. R. Crim. P. 60 [Victim's Rights]</i></p> <p>(a) In General.</p> |
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| | <p>....</p> <p>(4) <i>Right to Be Heard on Release, a Plea, or Sentencing.</i> The court must permit a victim to be reasonably heard at any public proceeding concerning release, plea, or sentencing involving the crime.</p> <p>....</p> <p>(6) <i>Right to Make a Statement at Criminal Record-Sealing Hearing.</i> The court must permit a victim to make a statement at any criminal record-sealing hearing.</p> <p>....</p> <p><i>D.C. Super. Ct. R. Crim. P. 32 [Sentencing and Judgment]</i></p> <p>(a) Time of Sentencing.</p> <p>....</p> <p>(2) <i>In Cases Involving Certain Victims.</i> In any case in which a defendant has been found guilty of an offense involving a victim:</p> <p>(A) The victim must be given a reasonable time prior to imposition of sentence to submit a victim impact statement as prescribed in D.C. Code § 23-1904 (2012 Repl.).</p> <p>(B) The attorney for the government must make reasonable efforts to notify the victim of the right to submit a victim impact statement, and to be present and to make a statement at the defendant's sentencing. The notification may be made by first-class mail, postage prepaid, and must contain clear and concise instructions regarding the preparation of the impact statement, the name and address of a person in the office of the attorney for the government to whom it should be returned, and the time, date, and place where the sentencing will occur. The notification must allow the victim a reasonable time to respond prior to imposition of sentence.</p> <p>(C) The attorney for the government must certify that the requirements of Rule 32(a)(2)(B) have been met. If such a certification has been made, or if the victim waives the right to submit a victim impact statement, the court may impose sentence without a victim impact statement. If for any reason the requirements of Rule 32(a)(2)(B) have not been met, the court must continue imposition of sentence for a time sufficient to permit compliance.</p> <p>(D) The attorney for the government must promptly forward any victim impact statement either:</p> <p>(i) to the Court Services and Offender Supervision Agency if it is preparing a presentence report; or</p> <p>(ii) to the court, and must serve it on the defendant's attorney. The victim impact statement must be included in any presentence report and must be disclosed to the defendant's attorney at a reasonable time prior to sentencing. The court must consider any victim impact statement in determining the appropriate sentence.</p> <p>(b) Presentence Investigation and Report.</p> <p>(1) <i>When Made.</i></p> <p>(A) Required Investigation.</p> |
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| | <p>(i) In General. In a case in which the defendant is to be sentenced for an offense punishable by imprisonment for more than one year, the Court Services and Offender Supervision Agency must make a presentence investigation and report to the court before the pronouncement of the sentence or the granting of probation unless, with the permission of the court, the defendant waives a presentence investigation and report, or the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing discretion, and the court explains this finding on the record.</p> <p>....</p> <p>(2) <i>Report</i>. The report of the presentence investigation must contain:</p> <p>....</p> <p>(C) information that assesses any financial impact on any victim;</p> <p>(D) any victim impact statement as prescribed in D.C. Code § 23-1904 (2012 Repl.); and</p> <p>....</p> <p>(3) <i>Disclosure</i>.</p> <p>(A) In General. The court must make available to the defendant through the defendant’s attorney and to the attorney for the government a copy of the report of the presentence investigation a reasonable time before imposing sentence.</p> <p>....</p> <p>(c) Sentencing.</p> <p>....</p> <p>(4) <i>Opportunity to Speak</i>.</p> <p>....</p> <p>(B) By a Victim. Before imposing sentence in a case in which a defendant has been found guilty of an offense involving a victim, the court must address any such victim who is present at sentencing and must permit the victim to speak or submit any information about the sentence.</p> <p>(C) In Camera Proceedings. Upon a party’s motion and for good cause, the court may hear in camera any statement made under Rule 32(c)(4).</p> <p>....</p> <p>(g) Discharge From Probation, Dismissal of Proceedings, and Expungment of Official Records Under D.C. Code § 48-904.01.</p> <p>....</p> |
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| | <p><i>D.C. Code Ann. § 22-4007 [Registration functions of the Court Services and Offender Supervision Agency.]</i></p> <p>(a) The Agency shall have the authority to adopt and implement procedures and requirements for the registration of sex offenders under this chapter. The procedures and requirements may include, but need not be limited to, requirements that a responsible officer or official shall:</p> <p>....</p> <p>(4) Obtain a detailed description of the offense on the basis of which the sex offender is required to register, the victim impact statement, the date of conviction or other disposition related to the offense, and any sentence imposed;</p> <p>....</p> <p><i>D.C. Code Ann. § 16-2340 [Rights of victims or eyewitnesses in delinquency proceedings.]</i></p> <p>....</p> <p>(b) A victim and the victim's immediate family members have the right to submit a victim impact statement in all cases and have the victim impact statement considered in the disposition of the case. The Corporation Counsel and the Director of Social Services shall inform the victim and the victim's immediate family members or caretaker, or their duly authorized attorney, of such right.</p> <p>....</p> <p><i>D.C. Super. Ct. Fam. Div. R. 32 [Disposition and Judgment]</i></p> <p>(a) Disposition Hearing. If the respondent has pleaded guilty, or has been found guilty or in need of supervision, the judicial officer shall proceed to hold a disposition hearing. Such disposition hearing may be held immediately if all parties consent and waive preparation of the predisposition report, unless the case involves a victim of crime. If the case involves a victim of crime the disposition hearing shall be set to allow a reasonable period of time for the preparation of a victim impact statement, and to incorporate it into the predisposition report. If the victim does not elect to submit a victim impact statement then the predisposition report may be waived and the disposition hearing may be held immediately. If the disposition hearing is not held immediately, and the respondent is detained or in shelter care pending the disposition hearing, the judicial officer shall schedule a disposition to be held within 15 days, and shall adjourn the proceedings to await the preparation of a predisposition report.</p> <p>....</p> <p>(c) Disposition.</p> <p>(1) <i>Entry of Dispositional Order.</i> The dispositional order shall be entered without unreasonable delay. Before entering a dispositional order the judicial officer shall afford the respondent or the respondent's counsel an opportunity to comment on the predisposition report and, in the Court's discretion, to introduce testimony or other</p> |
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| | <p>information relating to any alleged factual inaccuracy in the report. The judicial officer shall also afford counsel an opportunity to speak on behalf of the respondent and shall address the respondent personally, and the respondent's parent, guardian, or custodian, if present, and ask if they wish to make a statement in the respondent's behalf or to present any information that might affect the dispositional order. The OAG shall have an equivalent opportunity to address the Court and present information pertinent to disposition. The Court may also hear from victims of crime or members of their immediate family.</p> <p>....</p> |
| Florida | <p><i>Fla. Const. art. I, § 16 [Rights of accused and of victims][*Version in effect as of date of publication]</i></p> <p>....</p> <p>(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right . . . to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.</p> <p><i>Fla. Const. art. I, § 16 [Rights of accused and of victims][*Text effective upon approval of proposed constitutional amendment at the November 6, 2018 general election]</i></p> <p>....</p> <p>(b) To preserve and protect the right of crime victims to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems for crime victims, and ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents, every victim is entitled to the following rights, beginning at the time of his or her victimization:</p> <p>....</p> <p>(6) A victim shall have the following specific rights upon request:</p> <p>....</p> <p>b. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.</p> <p>....</p> <p>d. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence investigation or compiling any presentence</p> |

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| | <p>investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.</p> <p>e. The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law.</p> <p>....</p> <p>g. The right to be informed of all postconviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.</p> <p>h. The right to be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.</p> <p><i>Fla. Stat. Ann. § 921.143 [Appearance of victim, next of kin, or law enforcement, correctional, or correctional probation officer to make statement at sentencing hearing; submission of written statement]</i></p> <p>(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has been convicted of any felony or who has pleaded guilty or nolo contendere to any crime, including a criminal violation of a provision of chapter 316, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the next of kin of the victim if the victim has died from causes related to the crime, to:</p> <p>(a) Appear before the sentencing court for the purpose of making a statement under oath for the record; and</p> <p>(b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court.</p> <p>(2) The state attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.</p> <p>....</p> |
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| | <p><i>Fla. Stat. Ann. § 960.001 [Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems]</i></p> <p>....</p> <p>(a) <i>Information concerning services available to victims of adult and juvenile crime.</i>--As provided in s. 27.0065, state attorneys and public defenders shall gather information regarding the following services in the geographic boundaries of their respective circuits and shall provide such information to each law enforcement agency with jurisdiction within such geographic boundaries. Law enforcement personnel shall ensure, through distribution of a victim's rights information card or brochure at the crime scene, during the criminal investigation, and in any other appropriate manner, that victims are given, as a matter of course at the earliest possible time, information about:</p> <p>....</p> <p>5. The right of a victim, who is not incarcerated, including the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim, ... to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with constitutional rights of the accused, as provided by s. 16(b), Art. I of the State Constitution;</p> <p>6. In the case of incarcerated victims, the right ... to submit written statements at all crucial stages of the criminal proceedings, parole proceedings, or juvenile proceedings; and</p> <p>....</p> <p>d. Sentencing of the accused.</p> <p>2. Upon request, the state attorney shall permit the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide to review a copy of the presentence investigation report before the sentencing hearing if one was completed.</p> <p>(k) <i>Notification of right to submit impact statement.</i>--The state attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to s. 921.143 and shall assist in the preparation of such statement if necessary.</p> <p>....</p> <p><i>Fla. Stat. Ann. § 960.0021 [Legislative intent; advisement to victims]</i></p> <p>....</p> <p>(2) The courts may fulfill their obligation to advise crime victims by:</p> <p>(a) Making the following announcement at any arraignment, sentencing, or case-management proceeding:</p> <p>"If you are the victim of a crime with a case pending before this court, you are advised that you have the right:</p> |
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| | <p>....</p> <p>3. To be heard, when relevant, at all crucial stages of criminal proceedings to the extent that these rights do not interfere with the constitutional rights of the accused.</p> <p>....</p> <p>7. To make an oral or written victim impact statement at the time of sentencing of a defendant.</p> <p>For further information regarding additional rights afforded to victims of crime, you may contact the state attorney's office or obtain a listing of your rights from the Clerk of Court."</p> <p>; or</p> <p>(b) Displaying prominently on the courtroom doors posters giving notification of the existence and general provisions of this chapter. The Department of Legal Affairs shall provide the courts with the posters specified by this paragraph.</p> <p>....</p> <p><i>Fla. Stat. Ann. § 947.06 [Meeting; when commission may act]</i></p> <p>The commission [on offender review] shall meet at regularly scheduled intervals and from time to time as may otherwise be determined by the chair. The making of recommendations to the Governor and Cabinet in matters relating to modifications of acts and decisions of the chair as provided in s. 947.04(1) shall be by a majority vote of the commission. No prisoner shall be placed on parole except as provided in ss. 947.172 and 947.174 by a panel of no fewer than two commissioners appointed by the chair. All matters relating to the granting, denying, or revoking of parole shall be decided in a meeting at which the public shall have the right to be present. Victims of the crime committed by the inmate shall be permitted to make an oral statement or submit a written statement regarding their views as to the granting, denying, or revoking of parole. . . . To facilitate the ability of victims and other persons to attend commission meetings, the commission shall meet in various counties including, but not limited to, Broward, Duval, Escambia, Hillsborough, Leon, Miami-Dade, Orange, and Palm Beach, with the location chosen being as close as possible to the location where the parole-eligible inmate committed the offense for which the parole-eligible inmate was sentenced. The commission shall adopt rules governing the oral participation of victims and the submission of written statements by victims.</p> |
| Georgia | <p><i>Ga. Code Ann. § 17-17-1 [Legislative findings; basic rights]</i></p> <p>The General Assembly hereby finds and declares it to be the policy of this state that victims of crimes should be accorded certain basic rights just as the accused are accorded certain basic rights. These rights include:</p> <p>....</p> |

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| | <p>(4) The right to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused;</p> <p>....</p> <p><i>Ga. Code Ann. § 17-10-1.1 [Victim impact form]</i></p> <p>(a) A prosecuting attorney bringing charges against a defendant shall notify, where practical, the alleged victim or, when the victim is no longer living, a member of the victim's family of his or her right to submit a victim impact form.</p> <p>(b)(1) A victim impact form shall identify the victim of the offense and the perpetrator.</p> <p>(2) A victim impact form may itemize any economic loss suffered by the victim as a result of the offense and may:</p> <p>(A) Identify any physical injury suffered by the victim as a result of the offense along with its seriousness and permanence;</p> <p>(B) Describe any change in the victim's personal welfare or familial relationships as a result of the offense; and</p> <p>(C) Contain any other information related to the impact of the offense upon the victim or the victim's family that the victim wishes to include.</p> <p>(c) The Prosecuting Attorneys' Council of Georgia shall establish forms which are designed to obtain the information specified by subsection (b) of this Code section. The Prosecuting Attorneys' Council of Georgia shall make copies of such form available to prosecuting attorneys in the state. It shall be the duty of the prosecuting attorney or his or her designee to make such forms available to crime victims.</p> <p>(d) The victim may complete a victim impact form and submit such form to the appropriate prosecuting attorney charged with the prosecution of the case. If the victim is unable to do so because of such victim's mental, emotional, or physical incapacity, or because of such victim's age, the victim's attorney or a family member may complete the victim impact form on behalf of the victim.</p> <p>(e)(1) If, prior to trial, the defendant engages in discussion with the prosecuting attorney for the purpose of reaching a plea agreement or other pretrial disposition of his or her case, the prosecuting attorney shall, upon the request of the defendant, provide the defendant with a copy of the victim impact form relating to the defendant's case within a reasonable time prior to such discussions.</p> <p>(2) If the prosecuting attorney intends to present information from a victim impact form to the court at any hearing at which sentencing or a determination of restitution will be considered by the court, the prosecuting attorney shall furnish a copy of the victim impact form to the defendant not less than five days prior to any such hearing. The defendant shall have the right to rebut the information contained in the victim impact form.</p> |
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| | <p>(3) The court shall consider the victim impact form that is presented to the court prior to imposing a sentence or making a determination as to the amount of restitution.</p> <p>(f) If for any reason a victim was not allowed an opportunity to make a written victim impact statement, the victim may submit a victim impact statement to the State Board of Pardons and Paroles in any case prior to consideration of parole.</p> <p>....</p> <p><i>Ga. Code Ann. § 17-10-1.2 [Admissibility of certain evidence subsequent to adjudication of guilt]</i></p> <p>(a)(1) In all cases in which the death penalty may be imposed, subsequent to an adjudication of guilt and in conjunction with the procedures in Code Section 17-10-30, the court shall allow evidence from the family of the victim, or such other witness having personal knowledge of the victim's personal characteristics and the emotional impact of the crime on the victim, the victim's family, or the community. Except as provided in paragraph (4) of this subsection, such evidence shall be given in the presence of the defendant and of the jury and shall be subject to cross-examination.</p> <p>....</p> <p>(4) Upon a finding by the court specific to the case and the witness that the witness would not be able to testify in person without showing undue emotion or that testifying in person will cause the witness severe physical or emotional distress or trauma, evidence presented pursuant to this subsection may be in the form of, but not limited to, a written statement or a prerecorded audio or video statement, provided that such witness is subject to cross-examination and the evidence itself will not be available to the jury during deliberations. Photographs of the victim may be included with any evidence presented pursuant to this subsection.</p> <p>....</p> <p>(b) In presenting such evidence, the victim, the family of the victim, or such other witness having personal knowledge of the impact of the crime on the victim, the victim's family, or the community shall, if applicable:</p> <ol style="list-style-type: none"> (1) Describe the nature of the offense; (2) Itemize any economic loss suffered by the victim or the family of the victim, if restitution is sought; (3) Identify any physical injury suffered by the victim as a result of the offense along with its seriousness and permanence; (4) Describe any change in the victim's personal welfare or familial relationships as a result of the offense; (5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and (6) Include any other information related to the impact of the offense upon the victim, the victim's family, or the community that the court inquires of. |
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| | <p>(c) The court shall allow the defendant the opportunity to cross-examine and rebut the evidence presented of the victim's personal characteristics and the emotional impact of the crime on the victim, the victim's family, or the community, and such cross-examination and rebuttal evidence shall be subject to the same discretion set forth in paragraph (1) of subsection (a) of this Code section.</p> <p>....</p> <p><i>Ga. Code Ann. § 17-17-13 [Notification of victim prior to consideration of pardon, parole, or other clemency by State Board of Pardons and Paroles]</i></p> <p>The State Board of Pardons and Paroles shall give 20 days' advance notification to a victim whenever it considers making a final decision to grant parole, release a defendant for a period exceeding 60 days, or grant a pardon; and the board shall provide the victim with an opportunity to file a written objection to such action. Within 72 hours of receiving a request to commute a death sentence, the State Board of Pardons and Paroles shall provide notification to a victim of the date set for hearing such request and provide such victim an opportunity to file a written response to such request.</p> |
| Hawaii | <p><i>Haw. Rev. Stat. Ann. § 706-604 [Opportunity to be heard with respect to sentence; notice of pre-sentence report; opportunity to controvert or supplement; transmission of report to department]</i></p> <p>....</p> <p>(2) The court shall furnish to the defendant or the defendant's counsel and to the prosecuting attorney a copy of the report of any pre-sentence diagnosis or psychological, psychiatric, or other medical examination and afford fair opportunity, if the defendant or the prosecuting attorney so requests, to controvert or supplement them.</p> <p>(3) In all circuit court cases, regardless of whether a pre-sentence report has been prepared or waived, the court shall afford a fair opportunity to the victim to be heard on the issue of the defendant's disposition, before imposing sentence. The court, service center, or agency personnel who prepare the pre-sentence diagnosis and report shall inform the victim of the sentencing date and of the victim's opportunity to be heard. In the case of a homicide or where the victim is a minor or is otherwise unable to appear at the sentencing hearing, the victim's family shall be afforded the fair opportunity to be heard.</p> <p>....</p> <p><i>Haw. Rev. Stat. Ann. § 706-601 [Pre-sentence diagnosis and report]</i></p> <p>....</p> |

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| | <p>(3) With the consent of the court, the requirement of a pre-sentence diagnosis may be waived by agreement of both the defendant and the prosecuting attorney; provided that in felony cases, the prosecuting attorney shall inform, or make reasonable efforts to inform, the victim or the victim's surviving immediate family members of their rights to be present at the sentencing hearing and to provide information relating to the impact of the crime, including any requested restitution.</p> <p>....</p> <p><i>Haw. Rev. Stat. Ann. § 706-602 [Pre-sentence diagnosis, notice to victims, and report]</i></p> <p>(1) The pre-sentence diagnosis and report shall be made by personnel assigned to the court or other agency designated by the court and shall include:</p> <p>...</p> <p>(c) Information made available by the victim or other source concerning the effect that the crime committed by the defendant has had upon said victim, including but not limited to, any physical or psychological harm or financial loss suffered;</p> <p>....</p> <p><i>Haw. Rev. Stat. Ann. § 706-669 [Procedure for determining minimum term of imprisonment]</i></p> <p>(1) When a person has been sentenced to an indeterminate or an extended term of imprisonment, the Hawaii paroling authority shall, as soon as practicable but no later than six months after commitment to the custody of the director of the department of [public safety] hold a hearing, and on the basis of the hearing make an order fixing the minimum term of imprisonment to be served before the prisoner shall become eligible for parole.</p> <p>....</p> <p>(7) The State shall have the right to be represented at the hearing by the prosecuting attorney who may present written testimony and make oral comments and the authority shall consider such testimony and comments in reaching its decision. The authority shall notify the prosecuting attorney of the hearing at the time the prisoner is given notice of the hearing. The hearing shall be opened to victims or their designees or surviving immediate family members who may present a written statement or make oral comments.</p> <p>....</p> |
| Idaho | <p><i>Idaho Const. art. I, § 22 [Rights of crime victims]</i></p> <p>A crime victim, as defined by statute, has the following rights:</p> <p>....</p> |

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| | <p>(6) To be heard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration or release of the defendant, unless manifest injustice would result.</p> <p>....</p> <p>(9) To read presentence reports relating to the crime.</p> <p>(10) To the same rights in juvenile proceedings, where the offense is a felony if committed by an adult, as guaranteed in this section, provided that access to the social history report shall be determined by statute.</p> <p>....</p> <p><i>Idaho Code Ann. § 19-5306 [Rights of victim during investigation, prosecution, and disposition of the crime]</i></p> <p>(1) Each victim of a criminal or juvenile offense shall be:</p> <p>....</p> <p>(e) Heard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration, placing on probation or release of the defendant unless manifest injustice would result;</p> <p>....</p> <p>(h) Consulted by the presentence investigator during the preparation of the presentence report and have included in that report a statement of the impact which the defendant's criminal conduct had upon the victim and shall be allowed to read, prior to the sentencing hearing, the presentence report relating to the crime. The victim shall maintain the confidentiality of the presentence report, and shall not disclose its contents to any person except statements made by the victim to the prosecuting attorney or the court;</p> <p>....</p> <p>(j) Notified whenever the defendant or suspect is released or escapes from custody. When release is ordered prior to final conviction, notice to the victim shall be given by the law enforcement authority from whose custody the defendant was released. When the release is granted subsequent to a final conviction, notice shall be given to the victim by the law enforcement authority from whose custody the defendant was released unless release is granted by the commission of pardons and parole, in which case the commission shall notify the victim. When a release on probation is being considered following a period of retained jurisdiction, notice of the hearing shall be given to the victim by the prosecuting attorney.</p> <p>....</p> <p><i>Idaho Code Ann. § 19-2515 [Sentence in capital cases--Special sentencing proceeding--Statutory aggravating circumstances--Special verdict or written findings]</i></p> <p>.....</p> |
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| | <p>(5)(a) If a person is adjudicated guilty of murder in the first degree, whether by acceptance of a plea of guilty, by verdict of a jury, or by decision of the trial court sitting without a jury, and a notice of intent to seek the death penalty was filed and served as provided in section 18-4004A, Idaho Code, a special sentencing proceeding shall be held promptly for the purpose of hearing all relevant evidence and arguments of counsel in aggravation and mitigation of the offense. Information concerning the victim and the impact that the death of the victim has had on the victim's family is relevant and admissible. Such information shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community by the victim's death. Characterizations and opinions about the crime, the defendant and the appropriate sentence shall not be permitted as part of any victim impact information. The special sentencing proceeding shall be conducted before a jury unless a jury is waived by the defendant with the consent of the prosecuting attorney.</p> <p>....</p> <p><i>Idaho R. Crim. Proc. 32 [Presentence Investigations and Reports]</i></p> <p>The following standards and procedures govern presentence investigations and reports in the Idaho courts:</p> <p>....</p> <p>(b) Contents of Presentence Investigation Report. A trial judge may request a record check and other background information concerning the defendant prior to sentence without ordering a full presentence investigation of the defendant. However, when a full presentence investigation is ordered, the report of the investigation must contain the following elements:</p> <p>(1) the description of the situation surrounding the criminal activity with which the defendant has been charged, including the defendant's version of the criminal act and the defendant's explanation for the act, the arresting officer's version or report of the offense, where available, and the victim's version, where relevant to the sentencing decision;</p> <p>....</p> <p>(h) Disclosure of Presentence Reports.</p> <p>(1) <i>Custody of Presentence Report.</i> Any presentence report must be available for the purpose of assisting a sentencing court and once prepared may be released to any district judge for that purpose. After use in the sentencing procedure, the presentence report must be sealed by court order, after which it cannot be opened without a court order authorizing release of the report or parts of it to a specific agency or individual. The presentence report must, however, be available to the Idaho Department of Corrections so long as the defendant is committed to or supervised by the Department, and may be retained by the Department for three years after the defendant is discharged. If probation or parole supervision is transferred to another state, the Department may provide a copy of the presentence report to the supervising entity in that state. In addition, when preparing a report</p> |
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| | <p>on a defendant, a presentence investigator must have access to previous presentence reports, including all attachments and addendums, prepared on that defendant, whether in the same case or in previous cases. The presentence investigator's own copy of the presentence report is restricted from use by all but authorized court personnel. Neither the defendant, defendant's counsel, the prosecuting attorney nor any person authorized by the sentencing court to receive a copy of the presentence report may release to any other person or agency the report itself or any information contained in it. As provided in Article 1, Section 22(9) of the Idaho Constitution, the victim has a right to read, but not to have a copy of, the presentence report. Any violation of this rule is a contempt of court and subject to appropriate sanctions.</p> <p>....</p> <p><i>Idaho Code Ann. § 20-233 [Final discharge of parolee--Minimum term]</i></p> <p>....</p> <p>(2) The board of correction may submit a request to the commission for an order of final discharge from the remaining period of parole for any parolee under the board's supervision at any time during the period of parole. A request for final discharge shall be supported by a statement attested to under oath or signed under penalty of perjury pursuant to section 9-1406, Idaho Code, setting forth the facts upon which the request is based. The commission shall notify the victim of a request for final discharge from parole. Any response to a request for final discharge shall be filed within thirty (30) days of the date of submittal of the request. The commission may, without a hearing, rule upon a request for final discharge based on a review of the case, the request, the statement and any responses to the request, or may schedule a hearing on the request. The commission shall rule on the request for final discharge within ninety (90) days of the date of submittal of the request.</p> <p><i>Idaho Code Ann. § 20-221 [Modification of terms or conditions of probation or suspension of sentence--Termination of probation]</i></p> <p>....</p> <p>(2) Any party or the board of correction may submit to the court a request to modify the terms and conditions of probation for any probationer under the board's supervision at any time during the period of probation. A request to modify the terms and conditions of probation shall be supported by a statement attested to under oath or signed under penalty of perjury pursuant to section 9-1406, Idaho Code, setting forth the facts upon which the request is based. The requesting party or the board, as the case may be, shall deliver a copy of the request and statement to all parties and to the board. The prosecuting attorney shall notify the victim of the request to modify the terms and conditions of probation. Any responses to a request to modify shall be filed within thirty (30) days of the date of submittal of the request. The court may, without a hearing, rule upon a request to modify based on a review of the</p> |
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| | <p>case, the request, the statement and any responses to the request, or may schedule a hearing on the request to modify. The court shall by written order rule on the request to modify within sixty (60) days of the date of submittal of the request.</p> <p>(3) Any party or the board of correction may submit to the court a request to terminate the probation for any probationer under the board's supervision at any time during the period of probation. A request to terminate probation shall be supported by a statement attested to under oath or signed under penalty of perjury pursuant to section 9-1406, Idaho Code, setting forth the facts upon which the request is based. The requesting party or the board, as the case may be, shall deliver a copy of the request and statement to all parties and to the board. The prosecuting attorney shall notify the victim of a request to terminate probation. Any responses to a request to terminate probation shall be filed within thirty (30) days of the date of submittal of the request. The court may, without a hearing, rule upon a request to terminate based on a review of the case, the request, the statement and any responses to the request, or may schedule a hearing on the request to terminate. The court shall rule on the request within sixty (60) days of the date of submittal of the request. A court order granting a request to terminate probation under this subsection shall be deemed a final discharge from the remaining period of probation.</p> |
| Illinois | <p><i>Ill. Const. art. I, § 8.1 [Crime Victims' Rights]</i></p> <p>(a) Crime victims, as defined by law, shall have the following rights:</p> <p>.....</p> <p>(5) The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.</p> <p>.....</p> <p><i>725 Ill. Comp. Stat. Ann. 120/3 [Definitions]*</i></p> <p>§ 3. The terms used in this Act shall have the following meanings:</p> <p>(a) "Crime victim" or "victim" means: (1) any natural person determined by the prosecutor or the court to have suffered direct physical or psychological harm as a result of a violent crime perpetrated or attempted against that person or direct physical or psychological harm as a result of (i) a violation of Section 11-501 of the Illinois Vehicle Code or similar provision of a local ordinance or (ii) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) in the case of a crime victim who is under 18 years of age or an adult victim who is incompetent or incapacitated, both parents, legal guardians, foster parents, or a single adult representative; (3) in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim's estate; and (4) an immediate family member of a</p> |

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| | <p>victim under clause (1) of this paragraph (a) chosen by the victim. If the victim is 18 years of age or over, the victim may choose any person to be the victim's representative. In no event shall the defendant or any person who aided and abetted in the commission of the crime be considered a victim, a crime victim, or a representative of the victim.</p> <p>A board, agency, or other governmental entity making decisions regarding an offender's release, sentence reduction, or clemency can determine additional persons are victims for the purpose of its proceedings.</p> <p>....</p> <p>(a-7) "Sentence" includes, but is not limited to, the imposition of sentence, a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, early release, clemency, or a proposal that would reduce the defendant's sentence or result in the defendant's release. "Early release" refers to a discretionary release.</p> <p>(a-9) "Sentencing" includes, but is not limited to, the imposition of sentence and a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, or early release.</p> <p>....</p> <p>(e) "Court proceedings" includes, but is not limited to, the preliminary hearing, any post-arraignment hearing the effect of which may be the release of the defendant from custody or to alter the conditions of bond, change of plea hearing, the trial, any pretrial or post-trial hearing, sentencing, any oral argument or hearing before an Illinois appellate court, any hearing under the Mental Health and Developmental Disabilities Code after a finding that the defendant is not guilty by reason of insanity, any hearing related to a modification of sentence, probation revocation hearing, aftercare release or parole hearings, post-conviction relief proceedings, habeas corpus proceedings and clemency proceedings related to the defendant's conviction or sentence. For purposes of the victim's right to be present, "court proceedings" does not include (1) hearings under Section 109-1 of the Code of Criminal Procedure of 1963, (2) grand jury proceedings, (3) status hearings, or (4) the issuance of an order or decision of an Illinois court that dismisses a charge, reverses a conviction, reduces a sentence, or releases an offender under a court rule.</p> <p>(f) "Concerned citizen" includes relatives of the victim, friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner.</p> <p>(g) "Victim's attorney" means an attorney retained by the victim for the purposes of asserting the victim's constitutional and statutory rights. An attorney retained by the victim means an attorney who is hired to represent the victim at the victim's expense or an attorney who has agreed to provide pro bono representation. Nothing in this statute creates a right to counsel at public expense for a victim.</p> <p>*Note: proposed legislation would amend 725 Ill. Comp. Stat. Ann. 120/3 in relevant part as follows:</p> |
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| | <p>(a-7) “Sentence” includes, but is not limited to, the imposition of sentence, a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, early release, <u>inpatient treatment, outpatient treatment, conditional release after a finding that the defendant is not guilty by reason of insanity</u>, clemency, or a proposal that would reduce the defendant’s sentence or result in the defendant’s release. “Early release” refers to a discretionary release.</p> <p>(a-9) “Sentencing” includes, but is not limited to, the imposition of sentence and a request for a reduction in sentence, parole, mandatory supervised release, aftercare release, or early release, <u>consideration of inpatient treatment or outpatient treatment, or conditional release after a finding that the defendant is not guilty by reason of insanity</u>.</p> <p>2017 Illinois House Bill No. 5573, Illinois One Hundredth General Assembly - Second Regular Session</p> <p><i>725 Ill. Comp. Stat. Ann. 120/4 [Rights of crime victims]</i></p> <p>(a) Crime victims shall have the following rights:</p> <p>....</p> <p>(4) The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.</p> <p>....</p> <p><i>725 Ill. Comp. Stat. Ann. 120/4.5 [Procedures to implement the rights of crime victims]</i></p> <p>§ 4.5. Procedures to implement the rights of crime victims. To afford crime victims their rights, law enforcement, prosecutors, judges and corrections will provide information, as appropriate of the following procedures:</p> <p>....</p> <p>(b) The office of the State’s Attorney:</p> <p>....</p> <p>(9.5) shall inform the victim of (A) the victim’s right under Section 6 of this Act to make a victim impact statement at the sentencing hearing; (B) the right of the victim’s spouse, guardian, parent, grandparent and other immediate family and household members under Section 6 of this Act to present an impact statement at sentencing; and (C) if a presentence report is to be prepared, the right of the victim’s spouse, guardian, parent, grandparent and other immediate family and household members to submit information to the preparer of the presentence report about the effect the offense has had on the victim and the person;</p> <p>....</p> <p>(15) shall make all reasonable efforts to consult with the crime victim before the Office of the State’s Attorney makes an offer of a plea bargain to the defendant or enters into negotiations with the defendant concerning a</p> |
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| | <p>possible plea agreement, and shall consider the written victim impact statement, if prepared prior to entering into a plea agreement. The right to consult with the prosecutor does not include the right to veto a plea agreement or to insist the case go to trial. If the State's Attorney has not consulted with the victim prior to making an offer or entering into plea negotiations with the defendant, the Office of the State's Attorney shall notify the victim of the offer or the negotiations within 2 business days and confer with the victim;</p> <p>....</p> <p>(c) The court shall ensure that the rights of the victim are afforded.</p> <p>(c-5) The following procedures shall be followed to afford victims the rights guaranteed by Article I, Section 8.1 of the Illinois Constitution:</p> <p>(1) Written notice. A victim may complete a written notice of intent to assert rights on a form prepared by the Office of the Attorney General and provided to the victim by the State's Attorney. The victim may at any time provide a revised written notice to the State's Attorney. The State's Attorney shall file the written notice with the court. At the beginning of any court proceeding in which the right of a victim may be at issue, the court and prosecutor shall review the written notice to determine whether the victim has asserted the right that may be at issue.</p> <p>....</p> <p>(6) Right to be heard. Whenever a victim has the right to be heard, the court shall allow the victim to exercise the right in any reasonable manner the victim chooses.</p> <p>....</p> <p>(13) Access to presentence reports.</p> <p>(A) The victim may request a copy of the presentence report prepared under the Unified Code of Corrections from the State's Attorney. The State's Attorney shall redact the following information before providing a copy of the report:</p> <p>(i) the defendant's mental history and condition;</p> <p>(ii) any evaluation prepared under subsection (b) or (b-5) of Section 5-3-2; and</p> <p>(iii) the name, address, phone number, and other personal information about any other victim.</p> <p>(B) The State's Attorney or the defendant may request the court redact other information in the report that may endanger the safety of any person.</p> <p>(C) The State's Attorney may orally disclose to the victim any of the information that has been redacted if there is a reasonable likelihood that the information will be stated in court at the sentencing.</p> <p>(D) The State's Attorney must advise the victim that the victim must maintain the confidentiality of the report and other information. Any dissemination of the report or information that was not stated at a court proceeding constitutes indirect criminal contempt of court.</p> |
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| | <p>....</p> <p>(4) The victim of the crime for which the prisoner has been sentenced shall receive reasonable written notice not less than 30 days prior to the parole hearing or target aftercare release date and may submit, in writing, on film, videotape or other electronic means or in the form of a recording prior to the parole hearing or target aftercare release date or in person at the parole hearing or aftercare release protest hearing or if a victim of a violent crime, by calling the toll-free number established in subsection (f) of this Section, information for consideration by the Prisoner Review Board or Department of Juvenile Justice. The victim shall be notified within 7 days after the prisoner has been granted parole or aftercare release and shall be informed of the right to inspect the registry of parole decisions, established under subsection (g) of Section 3-3-5 of the Unified Code of Corrections.² The provisions of this paragraph (4) are subject to the Open Parole Hearings Act.³</p> <p>....</p> <p>(f) To permit a crime victim of a violent crime to provide information to the Prisoner Review Board or the Department of Juvenile Justice for consideration by the Board or Department at a parole hearing or before an aftercare release decision of a person who committed the crime against the victim in accordance with clause (d)(4) of this Section or at a proceeding to determine the conditions of mandatory supervised release of a person sentenced to a determinate sentence or at a hearing on revocation of mandatory supervised release of a person sentenced to a determinate sentence, the Board shall establish a toll-free number that may be accessed by the victim of a violent crime to present that information to the Board.</p> <p><i>725 Ill. Comp. Stat. Ann. 120/6 [Right to be heard at sentencing]</i></p> <p>§ 6. Right to be heard at sentencing.</p> <p>(a) A crime victim shall be allowed to present an oral or written victim impact statement in any case in which a defendant has been convicted of a violent crime or a juvenile has been adjudicated delinquent for a violent crime. The court shall allow a victim to make an oral impact statement if the victim is present in the courtroom and requests to make an oral d statement. An oral statement includes the victim or a representative of the victim reading the written impact statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of this Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. The court shall consider any impact statement presented along with all other appropriate factors in determining the sentence of the defendant or disposition of such juvenile.</p> <p>(a-1) In any case where a defendant has been convicted of a violation of any statute, ordinance, or regulation relating to the operation or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, except parking violations, if the violation resulted in great bodily harm or</p> |
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| | <p>death, the person who suffered great bodily harm, the injured person’s representative, or the representative of a deceased person shall be entitled to notice of the sentencing hearing. “Representative” includes the spouse, guardian, grandparent, or other immediate family or household member of an injured or deceased person. The injured person or his or her representative and a representative of the deceased person shall have the right to address the court regarding the impact that the defendant’s criminal conduct has had upon them. If more than one representative of an injured or deceased person is present in the courtroom at the time of sentencing, the court has discretion to permit one or more of the representatives to present an oral impact statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. The court shall consider any impact statement presented along with all other appropriate factors in determining the sentence of the defendant.</p> <p>(a-5) A crime victim shall be allowed to present an oral and written victim impact statement at a hearing ordered by the court under the Mental Health and Developmental Disabilities Code to determine if the defendant is: (1) in need of mental health services on an inpatient basis; (2) in need of mental health services on an outpatient basis; or (3) not in need of mental health services. The court shall allow a victim to make an oral impact statement if the victim is present in the courtroom and requests to make an oral statement. An oral statement includes the victim or a representative of the victim reading the written impact statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of this Act, to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. The court may only consider the impact statement along with all other appropriate factors in determining the: (1) threat of serious physical harm poised by the respondent to himself or herself, or to another person; (2) location of inpatient or outpatient mental health services ordered by the court, but only after complying with all other applicable administrative, rule, and statutory requirements; (3) maximum period of commitment for inpatient mental health services; and (4) conditions of release for outpatient mental health services ordered by the court.</p> <p>(b) The crime victim has the right to prepare a victim impact statement and present it to the Office of the State’s Attorney at any time during the proceedings. Any written victim impact statement submitted to the Office of the State’s Attorney shall be considered by the court during its consideration of aggravation and mitigation in plea proceedings under Supreme Court Rule 402.</p> <p>(c) This Section shall apply to any victims during any dispositional hearing under Section 5-705 of the Juvenile Court Act of 1987 which takes place pursuant to an adjudication or trial or plea of delinquency for any such offense.</p> <p><i>705 Ill. Comp. Stat. Ann. 405/5-705 [Sentencing hearing; evidence; continuance]*</i> § 5-705. Sentencing hearing; evidence; continuance.</p> |
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| | <p>(1) At the sentencing hearing, the court shall determine whether it is in the best interests of the minor or the public that he or she be made a ward of the court, and, if he or she is to be made a ward of the court, the court shall determine the proper disposition best serving the interests of the minor and the public. All evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the trial. A record of a prior continuance under supervision under Section 5-615, whether successfully completed or not, is admissible at the sentencing hearing. No order of commitment to the Department of Juvenile Justice shall be entered against a minor before a written report of social investigation, which has been completed within the previous 60 days, is presented to and considered by the court.</p> <p>(2) Once a party has been served in compliance with Section 5-525, no further service or notice must be given to that party prior to proceeding to a sentencing hearing. Before imposing sentence the court shall advise the State's Attorney and the parties who are present or their counsel of the factual contents and the conclusions of the reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. Factual contents, conclusions, documents and sources disclosed by the court under this paragraph shall not be further disclosed without the express approval of the court.</p> <p>(3) On its own motion or that of the State's Attorney, a parent, guardian, legal custodian, or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence and, in such event, shall make an appropriate order for detention of the minor or his or her release from detention subject to supervision by the court during the period of the continuance. In the event the court shall order detention hereunder, the period of the continuance shall not exceed 30 court days. At the end of such time, the court shall release the minor from detention unless notice is served at least 3 days prior to the hearing on the continued date that the State will be seeking an extension of the period of detention, which notice shall state the reason for the request for the extension. The extension of detention may be for a maximum period of an additional 15 court days or a lesser number of days at the discretion of the court. However, at the expiration of the period of extension, the court shall release the minor from detention if a further continuance is granted. In scheduling investigations and hearings, the court shall give priority to proceedings in which a minor is in detention or has otherwise been removed from his or her home before a sentencing order has been made.</p> <p>(4) When commitment to the Department of Juvenile Justice is ordered, the court shall state the basis for selecting the particular disposition, and the court shall prepare such a statement for inclusion in the record.</p> <p>*Note: proposed legislation would amend 705 Ill. Comp. Stat. Ann. 405/5-705 in relevant part as follows: (1) <u>In this subsection (1), "violent crime" has the same meaning ascribed to the term in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act.</u> At the sentencing hearing, the court shall determine whether it</p> |
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| | <p>is in the best interests of the minor or the public that he or she be made a ward of the court, and, if he or she is to be made a ward of the court, the court shall determine the proper disposition best serving the interests of the minor and the public. All evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the trial. <u>A crime victim shall be allowed to present an oral or written statement, as guaranteed by Article I, Section 8.1 of the Illinois Constitution and as provided in Section 6 of the Rights of Crime Victims and Witnesses Act, in any case in which: (a) a juvenile has been adjudicated delinquent for a violent crime after a bench or jury trial; or (b) the petition alleged the commission of a violent crime and the juvenile has been adjudicated delinquent under a plea agreement of a crime that is not a violent crime. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral statement. An oral statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination.</u> A record of a prior continuance under supervision under Section 5-615, whether successfully completed or not, is admissible at the sentencing hearing. No order of commitment to the Department of Juvenile Justice shall be entered against a minor before a written report of social investigation, which has been completed within the previous 60 days, is presented to and considered by the court.</p> <p>2017 Illinois House Bill No. 5573, Illinois One Hundredth General Assembly - Second Regular Session</p> <p><i>730 Ill. Comp. Stat. Ann. 5/5-2-4 [Proceedings after Acquittal by Reason of Insanity.]*</i></p> <p>(a) After a finding or verdict of not guilty by reason of insanity under Sections 104-25, 115-3 or 115-4 of the Code of Criminal Procedure of 1963, the defendant shall be ordered to the Department of Human Services for an evaluation as to whether he is in need of mental health services. The order shall specify whether the evaluation shall be conducted on an inpatient or outpatient basis. If the evaluation is to be conducted on an inpatient basis, the defendant shall be placed in a secure setting. With the court order for evaluation shall be sent a copy of the arrest report, criminal charges, arrest record, jail record, any report prepared under Section 115-6 of the Code of Criminal Procedure of 1963, and any victim impact statement prepared under Section 6 of the Rights of Crime Victims and Witnesses Act. The clerk of the circuit court shall transmit this information to the Department within 5 days.</p> <p>....</p> |
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| | <p>*Note: proposed legislation would amend 730 Ill. Comp. Stat. Ann. 5/5-2-4 in relevant part as follows:</p> <p>Sec. 5-2-4. Proceedings after acquittal by reason of insanity.</p> <p>(a) After a finding or verdict of not guilty by reason of insanity under Sections 104-25, 115-3, or 115-4 of the Code of Criminal Procedure of 1963, the defendant shall be ordered to the Department of Human Services for an evaluation as to whether he is in need of mental health services. The order shall specify whether the evaluation shall be conducted on an inpatient or outpatient basis. If the evaluation is to be conducted on an inpatient basis, the defendant shall be placed in a secure setting. With the court order for evaluation shall be sent a copy of the arrest report, criminal charges, arrest record, jail record, any report prepared under Section 115-6 of the Code of Criminal Procedure of 1963, and any victim impact statement prepared under Section 6 of the Rights of Crime Victims and Witnesses Act. The clerk of the circuit court shall transmit this information to the Department within 5 days. If the court orders that the evaluation be done on an inpatient basis, the Department shall evaluate the defendant to determine to which secure facility the defendant shall be transported and, within 20 days of the transmittal by the clerk of the circuit court of the placement court order, notify the sheriff of the designated facility. Upon receipt of that notice, the sheriff shall promptly transport the defendant to the designated facility. During the period of time required to determine the appropriate placement, the defendant shall remain in jail. If, within 20 days of the transmittal by the clerk of the circuit court of the placement court order, the Department fails to notify the sheriff of the identity of the facility to which the defendant shall be transported, the sheriff shall contact a designated person within the Department to inquire about when a placement will become available at the designated facility and bed availability at other facilities. If, within 20 days of the transmittal by the clerk of the circuit court of the placement court order, the Department fails to notify the sheriff of the identity of the facility to which the defendant shall be transported, the sheriff shall notify the Department of its intent to transfer the defendant to the nearest secure mental health facility operated by the Department and inquire as to the status of the placement evaluation and availability for admission to <u>the such</u> facility operated by the Department by contacting a designated person within the Department. The Department shall respond to the sheriff within 2 business days of the notice and inquiry by the sheriff seeking the transfer and the Department shall provide the sheriff with the status of the placement evaluation, information on bed and placement availability, and an estimated date of admission for the defendant and any changes to that estimated date of admission. If the Department notifies the sheriff during the 2 business day period of a facility operated by the Department with placement availability, the sheriff shall promptly transport the defendant to that facility. Individualized placement evaluations by the Department of Human Services determine the most appropriate setting for forensic treatment based upon a number of factors including mental health diagnosis, proximity to surviving victims, security need, age, gender, and proximity to family.</p> |
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| | <p>The Department shall provide the Court with a report of its evaluation within 30 days of the date of this order. The Court shall hold a hearing as provided under the Mental Health and Developmental Disabilities Code to determine if the individual is: (a) in need of mental health services on an inpatient basis; (b) in need of mental health services on an outpatient basis; (c) a person not in need of mental health services. <u>The court shall afford the victim the opportunity to make a written or oral statement as guaranteed by Article I, Section 8.1 of the Illinois Constitution and Section 6 of the Rights of Crime Victims and Witnesses Act. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral statement. An oral statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of this Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. The court shall consider any statement presented along with all other appropriate factors in determining the sentence of the defendant or disposition of the juvenile. All statements shall become part of the record of the court.</u></p> <p>If the defendant is found to be in need of mental health services on an inpatient care basis, the Court shall order the defendant to the Department of Human Services. The defendant shall be placed in a secure setting. Such defendants placed in a secure setting shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or with the prior approval of the Court for unsupervised on-grounds privileges as provided herein. Any defendant placed in a secure setting pursuant to this Section, transported to court hearings or other necessary appointments off facility grounds by personnel of the Department of Human Services, shall be placed in security devices or otherwise secured during the period of transportation to assure secure transport of the defendant and the safety of Department of Human Services personnel and others. These security measures shall not constitute restraint as defined in the Mental Health and Developmental Disabilities Code. If the defendant is found to be in need of mental health services, but not on an inpatient care basis, the Court shall conditionally release the defendant, under such conditions as set forth in this Section as will reasonably assure the defendant's satisfactory progress and participation in treatment or rehabilitation and the safety of the defendant, <u>the victim, the victim's family members,</u> and others. If the Court finds the person not in need of mental health services, then the Court shall order the defendant discharged from custody.</p> <p>(a-1) Definitions. For the purposes of this Section:</p> <p>(A) (Blank).</p> <p>(B) "In need of mental health services on an inpatient basis" means: a defendant who has been found not guilty by reason of insanity but who, due to mental illness, is reasonably expected to inflict serious physical harm upon himself or another and who would benefit from inpatient care or is in need of inpatient care.</p> |
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| | <p>(C) “In need of mental health services on an outpatient basis” means: a defendant who has been found not guilty by reason of insanity who is not in need of mental health services on an inpatient basis, but is in need of outpatient care, drug and/or alcohol rehabilitation programs, community adjustment programs, individual, group, or family therapy, or chemotherapy.</p> <p>(D) “Conditional Release” means: the release from either the custody of the Department of Human Services or the custody of the Court of a person who has been found not guilty by reason of insanity under such conditions as the Court may impose which reasonably assure the defendant’s satisfactory progress in treatment or habilitation and the safety of the defendant, <u>the victim, the victim’s family</u>, and others. The Court shall consider such terms and conditions which may include, but need not be limited to, outpatient care, alcoholic and drug rehabilitation programs, community adjustment programs, individual, group, family, and chemotherapy, random testing to ensure the defendant’s timely and continuous taking of any medicines prescribed to control or manage his or her conduct or mental state, and periodic checks with the legal authorities and/or the Department of Human Services. The Court may order as a condition of conditional release that the defendant not contact the victim of the offense that resulted in the finding or verdict of not guilty by reason of insanity or any other person. The Court may order the Department of Human Services to provide care to any person conditionally released under this Section. The Department may contract with any public or private agency in order to discharge any responsibilities imposed under this Section.</p> <p>....</p> <p>(d) When the facility director determines that:</p> <ol style="list-style-type: none"> (1) the defendant is no longer in need of mental health services on an inpatient basis; and (2) the defendant may be conditionally released because he or she is still in need of mental health services or that the defendant may be discharged as not in need of any mental health services; or (3) (blank); the facility director shall give written notice to the Court, State’s Attorney and defense attorney. Such notice shall set forth in detail the basis for the recommendation of the facility director, and specify clearly the recommendations, if any, of the facility director, concerning conditional release. Any recommendation for conditional release shall include an evaluation of the defendant’s need for psychotropic medication, what provisions should be made, if any, to ensure that the defendant will continue to receive psychotropic medication following discharge, and what provisions should be made to assure the safety of the defendant and others in the event the defendant is no longer receiving psychotropic medication. Within 30 days of the notification by the facility director, the Court shall set a hearing and make a finding as to whether the defendant is: <ol style="list-style-type: none"> (i) (blank); or (ii) in need of mental health services in the form of inpatient care; or |
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| | <p>(iii) in need of mental health services but not subject to inpatient care; or</p> <p>(iv) no longer in need of mental health services; or</p> <p>(v) (blank).</p> <p><u>A crime victim shall be allowed to present an oral and written statement. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral statement. An oral statement includes the victim or a representative of the victim reading the written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination. All statements shall become part of the record of the court.</u></p> <p>Upon finding by the Court, the Court shall enter its findings and such appropriate order as provided in subsections (a) and (a-1) of this Section.</p> <p>(e) A defendant admitted pursuant to this Section, or any person on his behalf, may file a petition for treatment plan review or discharge or conditional release under the standards of this Section in the Court which rendered the verdict. Upon receipt of a petition for treatment plan review or discharge or conditional release, the Court shall set a hearing to be held within 120 days. Thereafter, no new petition may be filed for 180 days without leave of the Court.</p> <p>(f) The Court shall direct that notice of the time and place of the hearing be served upon the defendant, the facility director, the State's Attorney, and the defendant's attorney. If requested by either the State or the defense or if the Court feels it is appropriate, an impartial examination of the defendant by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services shall be ordered, and the report considered at the time of the hearing.</p> <p>(g) The findings of the Court shall be established by clear and convincing evidence. The burden of proof and the burden of going forth with the evidence rest with the defendant or any person on the defendant's behalf when a hearing is held to review a petition filed by or on behalf of the defendant. The evidence shall be presented in open Court with the right of confrontation and cross-examination. Such evidence may include, but is not limited to:</p> <ol style="list-style-type: none"> (1) whether the defendant appreciates the harm caused by the defendant to others and the community by his or her prior conduct that resulted in the finding of not guilty by reason of insanity; (2) Whether the person appreciates the criminality of conduct similar to the conduct for which he or she was originally charged in this matter; (3) the current state of the defendant's illness; (4) what, if any, medications the defendant is taking to control his or her mental illness; (5) what, if any, adverse physical side effects the medication has on the defendant; (6) the length of time it would take for the defendant's mental health to deteriorate if the defendant stopped taking prescribed medication; |
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| | <p>(7) the defendant's history or potential for alcohol and drug abuse;</p> <p>(8) the defendant's past criminal history;</p> <p>(9) any specialized physical or medical needs of the defendant;</p> <p>(10) any family participation or involvement expected upon release and what is the willingness and ability of the family to participate or be involved;</p> <p>(11) the defendant's potential to be a danger to himself, herself, or others;</p> <p><u>(11.5) a written or oral statement made by the victim; and</u></p> <p>(12) any other factor or factors the Court deems appropriate.</p> <p>....</p> <p>(l) <u>Public Act 90-593</u> shall apply to all persons who have been found not guilty by reason of insanity and who are presently committed to the Department of Mental Health and Developmental Disabilities (now the Department of Human Services).</p> <p>(m) The Clerk of the Court shall transmit a certified copy of the order of discharge or conditional release to the Department of Human Services, to the sheriff of the county from which the defendant was admitted, to the Illinois Department of State Police, to the proper law enforcement agency for the municipality where the offense took place, and to the sheriff of the county into which the defendant is conditionally discharged. The Illinois Department of State Police shall maintain a centralized record of discharged or conditionally released defendants while they are under court supervision for access and use of appropriate law enforcement agencies.</p> <p><u>(n) The provisions in this Section which allows a crime victim to make a written and oral statement do not apply if the defendant was under 18 years of age at the time the offense was committed.</u></p> <p><u>(o) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision does not affect any other provision or application of this Section that can be given effect without the invalid provision or application.</u> (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18; revised 10-10-17.)</p> <p>(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)</p> <p>2017 Illinois House Bill No. 5573, Illinois One Hundredth General Assembly - Second Regular Session</p> <p><i>730 Ill. Comp. Stat. Ann. 5/5-4-1 [Sentencing Hearing.]*</i></p> <p>(a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a</p> |
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| | <p>resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:</p> <p>....</p> <p>(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of Section 55 or Section 65 of the Methamphetamine Control and Community Protection Act, or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place;</p> <p>(8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements;</p> <p>....</p> <p>*Note: proposed legislation would amend 730 Ill. Comp. Stat. Ann. 5/5-4-1 in relevant part as follows: Sec. 5-4-1. Sentencing hearing. (a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to</p> |
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| | <p>determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing order recommend a defendant for placement in a Department of Corrections substance abuse treatment program as provided in paragraph (a) of subsection (1) of Section 3-2-2 conditioned upon the defendant being accepted in a program by the Department of Corrections. At the hearing the court shall:</p> <p>....</p> <p>(7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, the opportunity to present an oral or written statement, as guaranteed by Article I, Section 8.1 of the Illinois Constitution and provided in Section 6 of the Rights of Crime Victims and Witnesses Act. The court shall allow a victim to make an oral statement if the victim is present in the courtroom and requests to make an oral or written statement. An oral or written statement includes the victim or a representative of the victim reading the written statement. The court may allow persons impacted by the crime who are not victims under subsection (a) of Section 3 of the Rights of Crime Victims and Witnesses Act to present an oral or written statement. A victim and any person making an oral statement shall not be put under oath or subject to cross-examination.</p> <p>Criminal Code of 1961 or the Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine.</p> <p>All statements offered under this paragraph (7) shall become part of the record of the court. <u>In</u> this paragraph "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place;</p> <p>(7), "victim of a violent crime"</p> |
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| | <p><u>means a person who is a victim of a violent crime for which the defendant has been convicted after a bench or jury trial or a person who is the victim of a violent crime with which the defendant was charged and the defendant has been convicted under a plea agreement of a crime that is not a violent crime as defined in subsection (c) of 3 of the</u></p> <p><u>Rights of Crime Victims and Witnesses Act;</u></p> <p><u>(7.5) afford a qualified person affected by: (i) a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act or a violation of</u></p> <p><u>Section 55 or Section 65 of the Methamphetamine Control and</u></p> <p><u>Community Protection Act; or (ii) a Class 4 felony violation of Section 11-14, 11-14.3 except as described in subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,</u></p> <p><u>11-18.1, or 11-19 of the Criminal Code of 1961 or the</u></p> <p><u>Criminal Code of 2012, committed by the defendant the opportunity to make a statement concerning the impact on the qualified person and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation shall first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing.</u></p> <p><u>Sworn testimony offered by the qualified person is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7.5) shall become part of the record of the court. In this paragraph (7.5), "qualified person" means any person who: (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; or (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. "Qualified person includes any peace officer or any member of any duly organized State, county, or municipal peace officer unit assigned to the territorial jurisdiction where the offense took place when the offense took place;</u></p> <p>....</p> <p>2017 Illinois House Bill No. 5573, Illinois One Hundredth General Assembly - Second Regular Session</p> |
| Indiana | <p><i>Ind. Code Ann. § 35-40-5-5 [Right to be heard at sentencing or release]</i></p> <p>Sec. 5. A victim has the right to be heard at any proceeding involving sentencing, a postconviction release decision, or a pre-conviction release decision under a forensic diversion program.</p> |

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| | <p><i>Ind. Code Ann. § 35-35-3-5 [Presentation to and opinion by victim; certification]</i></p> <p>Sec. 5. (a) As a part of the recommendation submitted to the court, the prosecuting attorney must certify that he has offered to show the proposed recommendation to the victims of the felony, if any, and that they have been offered an opportunity to present their opinion of the recommendation to the prosecuting attorney and the court. (b) A victim present at sentencing in a felony or misdemeanor case shall be advised by the court of a victim's right to make a statement concerning the crime and the sentence. The court shall also offer the victim, if present, an opportunity to make a statement concerning the crime and the sentence. If unable to attend the hearing, the victim may mail a written statement to the court, which must be included in the presentence report made with respect to the defendant.</p> <p>....</p> <p><i>Ind. Code Ann. § 35-40-11-1 [Victim's right to be heard at court proceedings]</i></p> <p>Sec. 1. It is at the victim's discretion to exercise the victim's rights under this article to be present and to be heard at court proceedings, and the absence of the victim at a court proceeding does not preclude the court from holding the proceeding.</p> <p><i>Ind. Code Ann. § 35-40-11-2 [Oral, written, or taped statements allowed]</i></p> <p>Sec. 2. Except as provided in section 3 of this chapter, a victim's right to be heard may be exercised, at the victim's discretion, through an oral statement, submission of a written statement, or submission of a statement through audiotape or videotape.</p> <p><i>Ind. Code Ann. § 35-38-1-12 [Presentence investigation; advising defendant of contents and conclusions; copy of presentence report; opportunity for victim to make statement; sources of confidential information]</i></p> <p>Sec. 12. (a) Before imposing sentence, the court shall:</p> <ol style="list-style-type: none"> (1) advise the defendant or his counsel and the prosecuting attorney of the factual contents and conclusions of the presentence investigation; or (2) provide the defendant or his counsel and the prosecuting attorney with a copy of the presentence report. <p>The court also shall offer the victim, if present, an opportunity to make a statement concerning the crime and the sentence.</p> <p>(b) The sources of confidential information need not be disclosed. The court shall furnish the factual contents of the presentence investigation or a copy of the presentence report sufficiently in advance of sentencing so that the defendant will be afforded a fair opportunity to controvert the material included.</p> |
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| | <p><i>Ind. Code Ann. § 35-38-1-2 [“Victim representative”, defined; sentencing; date; hearing for increased penalty; imprisonment pending sentencing]</i></p> <p>Sec. 2.</p> <p>....</p> <p>(b) Upon entering a conviction, the court shall set a date for sentencing within thirty (30) days, unless for good cause shown an extension is granted. If a presentence report is not required, the court may sentence the defendant at the time the judgment of conviction is entered. However, the court may not pronounce sentence at that time without:</p> <p>(1) inquiring as to whether an adjournment is desired by the defendant; and</p> <p>(2) informing the victim, if present, of a victim’s right to make a statement concerning the crime and the sentence.</p> <p>....</p> <p><i>Ind. Code Ann. § 35-38-1-8 [Presentence report to be considered by court before sentencing; advisement of victim of right to make statement]</i></p> <p>Sec. 8.</p> <p>....</p> <p>(b) A victim present at sentencing in a felony or misdemeanor case shall be advised by the court of a victim’s right to make a statement concerning the crime and the sentence.</p> <p>....</p> <p><i>Ind. Code Ann. § 35-38-1-8.5 [Presentence investigation; notice to victim; victim impact statement; contents]</i></p> <p>Sec. 8.5. (a) A probation officer who is conducting a presentence investigation shall send written notification of the following to each victim or each victim representative designated by the court under section 2(e) of this chapter:</p> <p>(1) The date, time, and place of the sentencing hearing set by the court.</p> <p>(2) The right of the victim or victim representative to make an oral or written statement to the court at the sentencing hearing.</p> <p>(3) The right of the victim or victim representative to submit or refuse to submit to the probation officer a written or oral statement of the impact of the crime upon the victim for inclusion by the probation officer in a victim impact statement.</p> <p>(b) The notification required by subsection (a) must be sent at least seven (7) days before the date of the sentencing hearing to the last known address of the victim or the victim representative.</p> |
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| | <p>(c) The probation officer shall prepare a victim impact statement for inclusion in the convicted person's presentence report. The victim impact statement consists of information about each victim and the consequences suffered by a victim or a victim's family as a result of the crime.</p> <p>(d) Unless the probation officer certifies to the court under section 9 of this chapter that a victim or victim representative could not be contacted or elected not to submit a statement to the probation officer concerning the crime, the victim impact statement required under this section must include the following information about each victim:</p> <ol style="list-style-type: none"> (1) A summary of the financial, emotional, and physical effects of the crime on the victim and the victim's family. (2) Personal information concerning the victim, excluding telephone numbers, place of employment, and residential address. (3) Any written statements submitted by a victim or victim representative to the probation officer. (4) If the victim desires restitution, the basis and amount of a request for victim restitution. <p>(e) A victim or victim representative is not required to submit a statement or to cooperate in the preparation of the victim impact statement required under this section.</p> <p><i>Ind. Code Ann. § 35-40-5-6 [Presentence reports]</i></p> <p>Sec. 6. (a) A victim has the right to make a written or oral statement for use in preparation of the presentence report.</p> <p>(b) Notwithstanding IC 35-38-1-13, the victim has the right to read presentence reports relating to the crime committed against the victim, except those parts of the reports containing the following:</p> <ol style="list-style-type: none"> (1) The source of confidential information. (2) Information about another victim. (3) Other information determined confidential or privileged by the judge in a proceeding. <p>The information given to the victim must afford the victim a fair opportunity to respond to the material included in the presentence report.</p> |
| Iowa | <p><i>Iowa Code Ann. § 915.21 [Victim impact statement]</i></p> <ol style="list-style-type: none"> 1. A victim may present a victim impact statement to the court using one or more of the following methods: <ol style="list-style-type: none"> a. A victim may file a signed victim impact statement with the county attorney, and a filed impact statement shall be included in the presentence investigation report. If a presentence investigation report is not ordered by the court, a filed victim impact statement shall be provided to the court prior to sentencing. Unless requested otherwise by the |

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| | <p>victim, the victim impact statement shall be presented at the sentencing hearing in the presence of the defendant, and at any hearing regarding reconsideration of sentence.</p> <p>The victim impact statement may be presented by the victim or the victim's attorney or designated representative.</p> <p>b. A victim may orally present a victim impact statement at the sentencing hearing, in the presence of the defendant, and at any hearing regarding reconsideration of sentence.</p> <p>c. A victim may make a video recording of a statement or, if available, may make a statement from a remote location through a video monitor at the sentencing hearing, in the presence of the defendant, and at any hearing regarding reconsideration of sentence.</p> <p>d. A victim may make an audio recording of the statement or appear by audio via a speakerphone to make a statement, to be delivered in court in the presence of the defendant, and at any hearing regarding reconsideration of sentence.</p> <p>e. If the victim is unable to make an oral or written statement because of the victim's age, or mental, emotional, or physical incapacity, the victim's attorney or a designated representative shall have the opportunity to make a statement on behalf of the victim.</p> <p>2. A victim impact statement shall include the identification of the victim of the offense, and may include the following:</p> <p>a. Itemization of any economic loss suffered by the victim as a result of the offense. For purposes of this paragraph, a pecuniary damages statement prepared by a county attorney pursuant to section 910.3 may serve as the itemization of economic loss.</p> <p>b. Identification of any physical injury suffered by the victim as a result of the offense with detail as to its seriousness and permanence.</p> <p>c. Description of any change in the victim's personal welfare or familial relationships as a result of the offense.</p> <p>d. Description of any request for psychological services initiated by the victim or the victim's family as a result of the offense.</p> <p>e. Any other information related to the impact of the offense upon the victim.</p> <p>3. A victim shall not be placed under oath and subjected to cross-examination at the sentencing hearing.</p> <p>4. Nothing in this section shall be construed to affect the inherent power of the court to regulate the conduct of persons present in the courtroom.</p> <p><i>Iowa Code Ann. § 915.13 [Notification by county attorney]</i></p> <p>1. The county attorney shall notify a victim registered with the county attorney's office of the following:</p> <p>....</p> <p>d. The victim's right to make a victim impact statement, in any of the following formats:</p> |
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| | <p>(1) Written victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for filing such a statement.</p> <p>(2) Oral victim impact statement, delivered in court in the presence of the defendant. The victim shall also be notified of the time and place for such statement.</p> <p>(3) Video victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for making and filing the video recording.</p> <p>(4) Audio victim impact statement, delivered in court in the presence of the defendant. Notification shall include the procedures for making and filing the audio recording.</p> <p>....</p> <p><i>Iowa Code Ann. § 915.18 [Notification by board of parole]</i></p> <p>1. The board of parole shall notify a registered victim regarding an offender who has committed a violent crime as follows:</p> <p>a. Not less than twenty days prior to conducting a hearing at which the board will interview an offender, the board shall notify the victim of the interview and inform the victim that the victim may submit the victim's opinion concerning the release of the offender in writing prior to the hearing or may appear personally or by counsel at the hearing to express an opinion concerning the offender's release.</p> <p>b. Whether or not the victim appears at the hearing or expresses an opinion concerning the offender's release on parole, the board shall notify the victim of the board's decision regarding release of the offender.</p> <p>2. Offenders who are being considered for release on parole may be informed of a victim's registration with the county attorney and the substance of any opinion submitted by the victim regarding the release of the offender.</p> <p>3. If the board of parole makes a recommendation to the governor for a reprieve, pardon, or commutation of sentence of an offender, as provided in section 914.3, the board shall forward with the recommendation information identifying a registered victim for the purposes of notification by the governor as required in section 915.19.</p> <p><i>Iowa Code Ann. § 915.19 [Notification by the governor]</i></p> <p>1. Prior to the governor granting a reprieve, pardon, or commutation to an offender convicted of a violent crime, the governor shall notify a registered victim that the victim's offender has applied for a reprieve, pardon, or commutation. The governor shall notify a registered victim regarding the application not less than forty-five days prior to issuing a decision on the application. The governor shall inform the victim that the victim may submit a written opinion concerning the application.</p> <p>2. The county attorney may notify an offender being considered for a reprieve, pardon, or commutation of sentence of a victim's registration with the county attorney and the substance of any opinion submitted by the victim concerning the reprieve, pardon, or commutation of sentence.</p> |
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| <p>Kansas</p> | <p><i>Kan. Const. art. XV, § 15 [Victims' rights]</i> (a) Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right ... to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused. </p> <p><i>Kan. Stat. Ann. § 74-7333 [Bill of rights for victims of crime]</i> (5) The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process. (6) When the personal interests of victims are affected, the views or concerns of the victim should, when appropriate and consistent with criminal law and procedure, be brought to the attention of the court. </p> <p><i>Kan. Stat. Ann. § 8-1019 [Victim impact statement and restitution requirements]</i> (b) Prior to the sentencing of a person convicted of an alcohol or drug-related offense which resulted in serious bodily injury to a person or the death of a person, the court shall cause reasonable attempts to be made to notify the victim or the victim's family, who shall be given an opportunity to make a victim impact statement as to the impact of the offense on the victim's life or the lives of the victim's family members. </p> <p><i>Kan. Stat. Ann. § 74-7338 [Victim of crime; public comment sessions; notice]</i> (a) Notwithstanding the provisions of K.S.A. 74-7335 and amendments thereto, in the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session pursuant to K.S.A. 22-3717 and amendments thereto for such inmate, at least one month preceding the public comment session, to any victim or the victim's family pursuant to subsection (b). </p> <p><i>Kan. Stat. Ann. § 22-3717 [Parole or postrelease supervision; eligibility; interviews, notices and hearings; rules and regulations; conditions of parole or postrelease supervision]</i> </p> |
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| | <p>(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.</p> <p><i>Kan. Stat. Ann. § 22-3701 [Pardons and commutations; duties of prisoner review board; notification to victims]</i></p> <p>(a) The governor may pardon, or commute the sentence of, any person convicted of a crime in any court of this state upon such terms and conditions as prescribed in the order granting the pardon or commutation.</p> |
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| | <p>(b) The prisoner review board, hereafter referred to as the board, shall adopt rules and regulations governing the procedure for initiating, processing, and reviewing applications for pardon, or commutation of sentence filed by and on behalf of persons convicted of crime.</p> <p>(c) Except as otherwise provided, no pardon or commutation of sentence shall be granted until more than 30 days after written notice of the application therefor has been given to: (1) The prosecuting attorney and the judge of the court in which the defendant was convicted; and (2) any victim of the person's crime or the victim's family, if the person was convicted of a crime specified in article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto. Notice of such application for pardon or commutation of sentence shall be given by the secretary of corrections to the victim who is alive and whose address is known to the secretary of corrections, or if the victim is deceased, to the victim's family if the family's address is known to the secretary of corrections. Notice of the receipt of such application shall be given by publication in the official county paper of the county of conviction. The form of notice shall be prescribed by the board. If the applicant executes a poverty affidavit, the cost of one publication of the notice during a 12-month period shall be paid by the state. If more than one notice of application is published during any 12-month period the additional cost of publication shall be paid by the applicant. Subject to the provisions of subsection (d), if written notification is not given to such victim who is alive and whose address is known to the secretary of corrections or, if the victim is deceased, to the victim's family if the family's address is known to the secretary of corrections, the governor shall not grant or deny such application until a time at least 30 days after notification is given by publication as provided in this section.</p> <p>(d) All applications for pardon or commutation of sentence shall be referred to the board. The board shall examine each case and submit a report, together with such information as the board may have concerning the applicant, to the governor within 120 days after referral to the board. The governor shall not grant or deny any such application until the governor has received the report of the board or until 120 days after the referral to the board, whichever time is the shorter and the provisions of subsection (c) have been satisfied.</p> |
| Kentucky | <p><i>*A state constitutional victims' rights amendment is on the Kentucky ballot for the November 6, 2018 general election.</i></p> <p><i>Ky. Rev. Stat. Ann. § 421.500 [Definitions for KRS 421.500 to 421.575; applicability; required notifications; duties of public officers and agencies (effective until contingency is met)][*version in effect as of date of publication: Legislative Research Commission Note (3-23-18): 2018 Ky. Acts ch. 19, sec. 8, provides that the</i></p> |

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| | <p><i>repeal and reenactment of this section in that Act “shall take effect only upon the ratification, in the general election of November 6, 2018, of a Constitutional amendment providing for the protection of crime victims’ rights. If such an amendment is not ratified, this Act shall be void.”]</i></p> <p>....</p> <p>(5) Attorneys for the Commonwealth shall make a reasonable effort to insure that:</p> <p>....</p> <p>(b) If victims so desire and if they provide the attorney for the Commonwealth with a current address and telephone number, they shall receive prompt notification, if possible, of judicial proceedings relating to their case, including, but not limited to, the defendant’s release on bond and any special conditions of release; of the charges against the defendant, the defendant’s pleading to the charges, and the date set for the trial; of notification of changes in the custody of the defendant and changes in trial dates; of the verdict, the victim’s right to make an impact statement for consideration by the court at the time of sentencing of the defendant, the date of sentencing, the victim’s right to receive notice of any parole board hearing held for the defendant, and that the office of Attorney General will notify the victim if an appeal of the conviction is pursued by the defendant; and of a scheduled hearing for shock probation or for bail pending appeal and any orders resulting from that hearing; and</p> <p>....</p> <p><i>Ky. Rev. Stat. Ann. § 421.520 [Victim impact statement (effective until contingency is met)][*version in effect as of date of publication: Legislative Research Commission Note (3-23-18): 2018 Ky. Acts ch. 19, sec. 8, provides that the repeal and reenactment of this section in that Act “shall take effect only upon the ratification, in the general election of November 6, 2018, of a Constitutional amendment providing for the protection of crime victims’ rights. If such an amendment is not ratified, this Act shall be void.”]</i></p> <p>(1) The attorney for the Commonwealth shall notify the victim that, upon conviction of the defendant, the victim has the right to submit a written victim impact statement to the probation officer responsible for preparing the presentence investigation report for inclusion in the report or to the court should such a report be waived by the defendant.</p> <p>(2) The impact statement may contain, but need not be limited to, a description of the nature and extent of any physical, psychological or financial harm suffered by the victim, the victim’s need for restitution and whether the victim has applied for or received compensation for financial loss, and the victim’s recommendation for an appropriate sentence.</p> <p>(3) The victim impact statement shall be considered by the court prior to any decision on the sentencing or release, including shock probation, of the defendant.</p> |
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| | <p><i>Ky. Rev. Stat. Ann. § 421.530 [Submission of victim impact statement to parole board; duties of parole board (effective until contingency is met)] [*version in effect as of date of publication: Legislative Research Commission Note (3-23-18): 2018 Ky. Acts ch. 19, sec. 8, provides that the repeal and reenactment of this section in that Act “shall take effect only upon the ratification, in the general election of November 6, 2018, of a Constitutional amendment providing for the protection of crime victims’ rights. If such an amendment is not ratified, this Act shall be void.”]</i></p> <p>(1) If a defendant is sentenced to a period of incarceration and his release is subject to the authority of the parole board, the victim may submit a written impact statement to the parole board that it shall consider when making a decision on the release of the defendant.</p> <p>(2) The impact statement may contain, but need not be limited to, a description of the long-term consequences of the crime, including but not necessarily limited to, the physical, psychological and financial harm suffered by the victim, and whether the victim has applied for or received compensation for financial loss.</p> <p><i>Ky. Rev. Stat. Ann. § 439.340 [Parole of prisoners confined in adult penal or correctional institutions, halfway houses, and reentry centers]</i></p> <p>....</p> <p>(5) In addition to or in conjunction with each hearing conducted under subsection (2) of this section for any prisoner convicted of a Class A, B, or C felony and prior to the granting of a parole to any such prisoner, the parole board shall conduct a hearing of which the following persons shall receive not less than forty-five (45) nor more than ninety (90) days’ notice: the Commonwealth’s attorney who shall notify the sheriff of every county and the chief of police of every city and county in which the prisoner committed any Class A, B, or C felony for which he or she is imprisoned, and all identified victims of the crimes or the next of kin of any victim who is deceased. Notice to the Commonwealth’s attorney shall be by mail, fax, or electronic means at the discretion of the board, and shall be in a manner that ensures receipt at the Commonwealth attorney’s business office. Notices received by chiefs of police and sheriffs shall be posted in a conspicuous location where police employed by the department may see it. Notices shall be posted in a manner and at a time that will allow officers to make comment thereon to the Parole Board.</p> <p>....</p> <p>(6) Persons receiving notice as provided for in subsection (5) of this section may submit comments, in person or in writing, to the board upon all issues relating to the parole of the prisoner. The board shall read and consider all comments prior to making its parole decision, if they are received by the board not less than seven (7) days before the date for the hearing. The board shall retain all comments in the prisoner’s permanent Parole Board file, and shall consider them in conjunction with any subsequent parole decisions affecting the prisoner.</p> |
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| | <p>In addition to officers listed in subsection (5) of this section, the crime victims or the next of kin of any victim who is deceased or who is disabled and cannot attend the hearing or the parent or legal guardian of any victim who is a minor may attend the hearing provided for in subsection (5) of this section and present oral and written comments upon all issues relating to the parole of the prisoner, if they have advised the board, in writing received by the board not less than seven (7) days prior to the date set for the hearing, of their intention to attend the hearing. The board shall receive and consider all comments, shall make a record of them which it shall retain in the prisoner's permanent Parole Board file, and shall consider them in conjunction with any subsequent parole decision affecting the prisoner. Persons appearing before the Parole Board pursuant to this subsection may elect to make their presentations outside of the presence of the prisoner.</p> <p>(7) Victims of Class D felonies may submit comments in person or in writing to the board upon all issues relating to the parole of a prisoner.</p> <p><i>Ky. Rev. Stat. Ann. § 431.078 [Expungement of misdemeanor, violation, and traffic infraction records of convictions and dismissed or amended charges]</i></p> <p>(1) Any person who has been convicted of:</p> <p>(a) A misdemeanor, a violation, or a traffic infraction not otherwise classified as a misdemeanor or violation, or a series of misdemeanors, violations, or traffic infractions arising from a single incident; or</p> <p>(b) A series of misdemeanors, violations, or traffic infractions not arising from a single incident;</p> <p>may petition the court in which he was convicted for expungement of his misdemeanor or violation record within that judicial district, including a record of any charges for misdemeanors, violations, or traffic infractions that were dismissed or amended in the criminal action. The person shall be informed of the right at the time of adjudication.</p> <p>(2) Except as provided in KRS 218A.275(8) and 218A.276(8), the petition shall be filed no sooner than five (5) years after the completion of the person's sentence or five (5) years after the successful completion of the person's probation, whichever occurs later.</p> <p>(3) Upon the filing of a petition, the court shall set a date for a hearing, no sooner than thirty (30) days after the filing of the petition, and shall notify the county attorney; the victim of the crime, if there was an identified victim; and any other person whom the person filing the petition has reason to believe may have relevant information related to the expungement of the record. Inability to locate the victim shall not delay the proceedings in the case or preclude the holding of a hearing or the issuance of an order of expungement.</p> <p>....</p> |
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| Louisiana | <p><i>La. Stat. Ann. § 46:1844 [Basic rights for victim and witness]</i></p> <p>(A)</p> <p>....</p> <p>(2) The Department of Public Safety and Corrections shall maintain the Crime Victims Services Bureau presently in operation. The bureau shall publicize and provide a way for crime victims and their family members to be kept informed about the following:</p> <p>(d) Beginning August 1, 2018, information regarding the process by which a victim may provide a reentry statement to request that the inmate be subject to certain proximity or contact restrictions as part of the inmate's parole conditions, if the inmate appeared before the committee on parole and was granted parole by the committee, and information on the availability of assistance to the victim in completing the reentry statement.</p> <p>.....</p> <p>(K)(1)(a) At all critical stages of the prosecution, if the victim or designated family member has registered with the appropriate law enforcement or judicial agency and is present, the court shall determine if the victim or designated family member wishes to make a victim impact statement. If the victim is not present, the court shall ascertain whether the victim or designated family member has requested notification and, if so, whether proper notice has been issued to the victim or designated family member, in accordance with Subsection B of this Section, by the clerk of court or by the district attorney's office. If notice has been requested and proper notice has not been issued, the court shall continue the proceedings until proper notice is issued.</p> <p>(b) The victim and victim's family members shall have the right to make a written and oral victim impact statement as follows:</p> <p>(i) Any written statement shall be made available to the state and the defendant and shall be made part of the record. The statement may be submitted by the district attorney upon request of the victim or designated family member. Upon request of the victim or designated family member, any such written statement may be sealed by the court after review by the parties.</p> <p>(ii) The hearing at which an oral statement is provided to the court shall be subject to the limitations of relevance. In any case where the number of victim's family members exceeds three, the court may limit the in-court statements it receives from them to a fewer number of statements. The court may otherwise reasonably restrict the oral statement in order to maintain courtroom decorum. The defendant must be present for the victim impact statement. Upon motion of the state, the court may hear any such statement in camera.</p> <p>(2) The statement of the victim or the victim's family may:</p> <p>(a) Identify the victim of the offense.</p> <p>(b) Itemize any economic loss that has been or may be reasonably suffered by the victim as a result of the offense.</p> |
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| | <p>(c) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence.</p> <p>(d) Describe any change in the victim's personal welfare or familial relationships as a result of the offense.</p> <p>(e) Identify any request for medical or counseling services needed by the victim or the victim's family as a result of the offense.</p> <p>(f) Contain any other information related to the impact of the offense upon the victim or the victim's family that the trial court requires.</p> <p>(g) Contain any other information that the victim or victim's family wishes to share with the court regarding the overall effect of the crime upon the victim and the victim's family.</p> <p>(3)(a) Prior to the sentencing hearing, the court shall provide the counsel for the defendant, the victim, and the attorney for the state with notice of the maximum and minimum sentence allowed by law. The court shall allow the victim, or designated family member, and the prosecutor the opportunity to review any presentence investigation reports that have been prepared relating to the victim's case. The review of the presentence report shall be conducted under the supervision of the court.</p> <p>(b) At the sentencing hearing, the court shall afford the counsel for the defendant, the attorney for the state, and the victim or designated family member an opportunity to comment upon matters relating to the appropriate sentence. Before imposing sentence, the court shall verify that the victim or designated family member was notified of the sentencing hearing and address the victim or designated family member personally, if the victim or designated family member is present at the sentencing hearing, to determine if the victim or designated family member wishes to present a written and oral impact statement pursuant to this Chapter.</p> <p>.....</p> <p>(O)(1) The Board of Pardons or the committee on parole, respectively, shall notify the victim or the victim's family and all persons who file a victim registration and notification form and the appropriate district attorney that a hearing has been set for the person convicted of the crime. The victim or victim's family shall have the right to make written and oral statements as to the impact of the crime at any hearing before the board or committee and to rebut any statements or evidence introduced by the inmate or defendant. The victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of telephone communication from the office of the local district attorney.</p> |
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| | <p><i>La. Stat. Ann. § 46:1842 [Definitions]</i></p> <p>....</p> <p>(4) “Critical stage” means any judicial proceeding at which there is a disposition of the charged offense or a lesser offense, or a sentence imposed pursuant thereto.</p> <p>....</p> <p><i>La. Code Crim. Proc. Ann. art. 894.3 [Notice to victim for sentencing]</i></p> <p>A. Before sentencing a defendant who has been convicted of a violation of a sex offense as defined in R.S. 15:541, the office of the district attorney shall notify the clerk of court of the name and the address of the victim, and the clerk of court shall give written notice of the date and time of sentencing at least three days prior to the hearing, when the sentencing is not immediately following the finding of guilt, to the victim or the victim’s parent or guardian, unless the victim, parent, or guardian has advised the office of the district attorney in writing that such notification is not desired.</p> <p>B. The victim or the victim’s parent or guardian who desires to do so shall be given a reasonable opportunity to attend the hearing and to be heard.</p> <p><i>La. Child. Code Ann. art. 890 [Predisposition report; contents]</i></p> <p>A. In making the investigation, the probation officer shall investigate and report to the court regarding:</p> <p>(1) The circumstances attending the commission of the offense; the attitudes of the child and his parents toward the offense; the prior offenses committed by the child, including other referrals or contacts not resulting in juvenile court petitions; and, when applicable, the disposition of companion cases arising out of this offense.</p> <p>(2) The impact on the victim, if a child is adjudicated of or admits to a delinquent act involving a victim. The court shall require that a victim impact statement be included in the predisposition report.</p> <p>The victim impact statement shall include factual information as to whether the victim or his family has suffered, as a result of the offense, any monetary loss, medical expense, or physical impairment, and shall include any other information deemed relevant. The district attorney may also file a victim impact statement with the court.</p> <p>....</p> <p><i>La. Stat. Ann. § 15:574.2 [Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions]</i></p> <p>In accordance with the provisions of this Part, the committee on parole shall have the following powers and duties:</p> |
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| | <p>....</p> <p>(D)</p> <p>....</p> <p>(9)(a) To notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing. The notification shall be in writing and sent no less than sixty days prior to the hearing date. The notice shall advise the victim, or the spouse or next of kin of a deceased victim, of their rights with regard to the hearing. The notice is not required when the victim, or the spouse or next of kin of a deceased victim, advises the committee in writing that such notification is not desired. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify at the hearing. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or evidence offered by or on behalf of the offender, or both.</p> <p>(b) To notify the victim, or the spouse or next of kin of a deceased victim of those offenders eligible for release pursuant to Paragraph (C)(4) of this Section. The notification shall meet all requirements set forth in Subparagraph (a) of this Paragraph except that it shall give notice of the offender's administrative parole eligibility date and be sent no less than ninety days prior to the offender's administrative parole eligibility date. If the offender's charge or amended charge on the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the victim, or the spouse or next of kin of a deceased victim, shall have thirty days from the date of notification to object to the offender's release on administrative parole and may request that the committee on parole conduct a hearing.</p> <p><i>La. Stat. Ann. § 15:572.4 [Board of Pardons; rules, regulations, and procedures; notice; restrictions on applications; time periods for additional review]</i></p> <p>....</p> <p>B. (1) Before considering the application for pardon of any person, the board shall give written notice of the date and time at which the application will be heard and considered, at least thirty days prior to the hearing, to the following:</p> <p>(a) The district attorney, the sheriff of the parish in which the applicant was convicted, and in Orleans Parish, the superintendent of police.</p> <p>(b) The applicant.</p> <p>(c) The victim or the spouse or next of kin of a deceased victim. The notice is not required when the victim, or the spouse or next of kin of a deceased victim, advises the board in writing that such notification is not desired. The notice shall advise the victim, or the spouse or next of kin of a deceased victim, of their rights with regard to the hearing.</p> |
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| | <p>(d) Any other interested person on whose behalf a written request for such notification has been made by any other person who has a right, under law, to present testimony.</p> <p>(e) Repealed by Acts 1999, No. 448, § 2.</p> <p>(2) The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify at the hearing. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or evidence offered by or on behalf of the offender, or both.</p> <p>....</p> |
| Maine | <p><i>Me. Rev. Stat. tit. 17-A, § 1174 [Sentencing procedure]</i></p> <p>1. The victim must be provided the opportunity to participate at sentencing by:</p> <p>A. Making an oral statement in open court; or</p> <p>B. Submitting a written statement to the court either directly or through the attorney for the State. A written statement must be made part of the record.</p> <p>An attorney for the victim may submit a written statement or make an oral statement on the victim’s behalf.</p> <p>2. The court shall consider any statement made under subsection 1, along with all other appropriate factors, in determining the sentence.</p> <p>3. Unlike victims defined under section 1171, family members not within that definition, close friends of the victim, community members and other interested persons do not have a right to participate at sentencing. Participation by such interested persons is a matter for the court’s discretion in determining what information to consider when sentencing.</p> <p><i>Me. Rev. Stat. tit. 17-A, § 1174-A [Termination or conversion procedure]</i></p> <p>When the attorney for the State receives notice of a motion seeking early termination of probation or early termination of administrative release or seeking to convert probation to administrative release, the attorney for the State shall disclose to the court any attempts made to notify each victim of the motion to terminate or convert and any objection to the motion by a victim. If a hearing is held on the motion by the court and the victim is present in court, the victim may address the court at that time.</p> |
| Maryland | <p><i>Md. Const. Decl. of Rts. art. 47 [Crime Victims’ Rights]</i></p> <p>(a) A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.</p> |

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| | <p>(b) In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms “crime”, “criminal justice proceeding”, and “victim” are specified by law.</p> <p>...</p> <p><i>Md. Code Ann., Corr. Servs. § 7-801 [Parole release hearing]</i></p> <p>....</p> <p>(b)(1) At least 90 days before an inmate’s parole release hearing, the Department shall notify the victim or the victim’s representative in writing, directed to the most current address on file, that the parole release hearing has been scheduled if:</p> <p>(i) the victim or the victim’s representative filed a notification request form under § 11-104 of the Criminal Procedure Article; or</p> <p>(ii) the victim makes a written request to the Department for notification and maintains a current address on file with the Department.</p> <p>(2) The victim may designate in writing to the Department the name and address of a representative who is a resident of the State to receive notice for the victim.</p> <p>(c)(1) Not later than 30 days after the date of the Department’s notice under subsection (b) of this section, the victim of a crime may submit to the Department a written request that the Division of Parole and Probation be required to complete an updated victim impact statement.</p> <p>(2) If the victim submits a request as authorized by paragraph (1) of this subsection, the Department shall direct the Division of Parole and Probation to:</p> <p>(i) complete the updated statement at least 30 days before the parole release hearing; and</p> <p>(ii) send promptly the updated victim impact statement to the Commission.</p> <p>(d) A victim may:</p> <p>(1) at least 30 days before the parole release hearing:</p> <p>(i) make a written recommendation to the Commission on the advisability of releasing the inmate on parole; and</p> <p>(ii) request that the inmate be prohibited from having any contact with the victim as a condition of parole, mandatory supervision, work release, or other administrative release; and</p> <p>(2) request a meeting with a commissioner.</p> <p>(e) The Commission shall make an updated victim impact statement and a victim’s written recommendation available for review by the inmate or the inmate’s representative under § 7-303(b) of this title.</p> |
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| | <p>(f) The Commission shall consider an updated victim impact statement or victim’s written recommendation at the parole release hearing.</p> <p>(g) If a victim requested an open hearing under § 7-304 of this title, the victim may present oral testimony at the inmate’s parole release hearing in a manner established in regulations adopted by the Commission.</p> <p>(h) The Department shall notify promptly the victim or the victim’s representative of the decision of the Commission regarding parole for the inmate.</p> <p><i>Md. Code Ann., Corr. Servs. § 7-805 [Notice to victim of commutation, pardon, or remission of sentence]</i></p> <p>(a) If the victim made a written request to the Department for notification and maintains a current address on file with the Department or the victim or the victim’s representative filed a notification request form under § 11-104 of the Criminal Procedure Article, the Department shall notify the victim or the victim’s representative in writing that an inmate sentenced to the Division of Correction is being considered for a:</p> <ol style="list-style-type: none"> (1) commutation of sentence; (2) pardon; or (3) remission of sentence. <p>(b)(1) The victim may submit to the Commission a victim impact statement and recommendation.</p> <p>(2) The Commission shall make the victim impact statement and recommendation available for review by the inmate or the inmate’s representative subject to § 7-303(b) of this title.</p> <p>(c) If a victim impact statement or recommendation is submitted under this section, the Commission shall consider the victim impact statement or recommendation.</p> <p>(d) A victim may request a meeting with a commissioner.</p> <p>....</p> <p><i>Md. Code Ann., Corr. Servs. § 4-303 [Work release and leave of absence]</i></p> <p>....</p> <p>(b)(1) The Board of Review may not grant an eligible person work release or leave under this section until the Board of Review mails written notice to the victim that the Board of Review intends to decide whether to grant work release or leave to the eligible person.</p> <p>(2) Before the Board of Review decides whether to grant work release or leave to an eligible person, the Board of Review shall give the victim a reasonable opportunity to comment in writing on work release or leave or to present oral testimony in the manner that the Board of Review establishes by regulation.</p> <p>(3) The Board of Review promptly shall notify the victim of the decision of the Board of Review regarding work release or leave.</p> |
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| | <p>(4) The victim may designate, in writing to the Board of Review, the name and address of a representative who is a resident of the State to receive notice for the victim.</p> <p>(5) The Board of Review shall delete the victim's address and phone number from a document before the Board of Review allows examination of the document by the eligible person or the eligible person's representative.</p> <p><i>Md. Code Ann., Corr. Servs. § 4-305 [Parole]</i></p> <p>....</p> <p>(d)(1) The Board of Review shall mail to the victim written notice of an eligible person's parole hearing.</p> <p>(2) Before the Board decides whether to grant parole to an eligible person, the Board of Review shall give the victim a reasonable opportunity to comment on the parole in writing or to present oral testimony in the manner that the Board of Review establishes by regulation.</p> <p>....</p> <p><i>Md. Code Ann., Corr. Servs. § 7-305 [Factors and information to be considered]</i></p> <p>Each hearing examiner and commissioner determining whether an inmate is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:</p> <p>....</p> <p>(7) an updated victim impact statement or recommendation prepared under § 7-801 of this title;</p> <p>....</p> <p>(9) any information that is presented to a commissioner at a meeting with the victim;</p> <p>(10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7-801 of this title; and</p> <p>....</p> <p><i>Md. Code Ann., Crim. Proc. § 11-402 [Inclusion of victim impact statement in presentence investigation]</i></p> <p>....</p> <p>Preparation of victim impact statement separate from presentence or predisposition investigation</p> <p>(b) If the court does not order a presentence investigation or predisposition investigation, the prosecuting attorney or the victim may prepare a victim impact statement to be submitted to the court and the defendant or child respondent in accordance with the Maryland Rules.</p> <p>Submission of victim impact statement to court in transfer hearing</p> |
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| | <p>(c)(1) The prosecuting attorney shall notify a victim who has filed a notification request form under § 11-104 of this title of the victim's right to submit a victim impact statement to the court in a transfer hearing under § 4-202 of this article or a waiver hearing under § 3-8A-06 of the Courts Article.</p> <p>(2) This subsection does not preclude a victim who has not filed a notification request form under § 11-104 of this title from submitting a victim impact statement to the court.</p> <p>(3) The court may consider a victim impact statement in determining whether to transfer jurisdiction under § 4-202 of this article or waive jurisdiction under § 3-8A-06 of the Courts Article.</p> <p style="text-align: center;">Court consideration of victim impact statement</p> <p>(d) The court shall consider the victim impact statement in determining the appropriate sentence or disposition and in entering a judgment of restitution for the victim under § 11-603 of this title.</p> <p style="text-align: center;">Contents of victim impact statement</p> <p>(e) A victim impact statement for a crime or delinquent act shall:</p> <ol style="list-style-type: none"> (1) identify the victim; (2) itemize any economic loss suffered by the victim; (3) identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury; (4) describe any change in the victim's personal welfare or familial relationships; (5) identify any request for psychological services initiated by the victim or the victim's family; (6) identify any request by the victim to prohibit the defendant or child respondent from having contact with the victim as a condition of probation, parole, mandatory supervision, work release, or any other judicial or administrative release of the defendant or child respondent, including a request for electronic monitoring or electronic monitoring with victim stay-away alert technology; and (7) contain any other information related to the impact on the victim or the victim's family that the court requires. <p style="text-align: center;">Deceased or disabled victims</p> <p>(f) If the victim is deceased, under a mental, physical, or legal disability, or otherwise unable to provide the information required under this section, the information may be obtained from the victim's representative.</p> <p><i>Md. Code Ann., Crim. Proc. § 11-403 [Right of victim or victim's representative to address court during sentencing or disposition hearing]</i></p> <p style="text-align: center;">Sentencing or disposition hearing defined</p> <p>(a) In this section, "sentencing or disposition hearing" means a hearing at which the imposition of a sentence, disposition in a juvenile court proceeding, or alteration of a sentence or disposition in a juvenile court proceeding is considered.</p> |
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| | <p style="text-align: center;">Court allowance of victim or victim’s representative to address court</p> <p>(b) In the sentencing or disposition hearing the court, if practicable, shall allow the victim or the victim’s representative to address the court under oath before the imposition of sentence or other disposition:</p> <ol style="list-style-type: none"> (1) at the request of the prosecuting attorney; (2) at the request of the victim or the victim’s representative; or (3) if the victim has filed a notification request form under § 11-104 of this title. <p style="text-align: center;">Cross examination of victim or victim’s representative</p> <p>(c)(1) If the victim or the victim’s representative is allowed to address the court, the defendant or child respondent may cross-examine the victim or the victim’s representative.</p> <p>(2) The cross-examination is limited to the factual statements made to the court.</p> <p style="text-align: center;">Right of victim or victim’s representative not to address the court</p> <p>(d)(1) A victim or the victim’s representative has the right not to address the court at the sentencing or disposition hearing.</p> <p>(2) A person may not attempt to coerce a victim or the victim’s representative to address the court at the sentencing or disposition hearing.</p> <p>....</p> <p style="text-align: center;">Appeals</p> <p>(f) A victim or victim’s representative who has been denied a right provided under this section may file an application for leave to appeal in the manner provided under § 11-103 of this title.</p> <p><i>Md. Code Ann., Crim. Proc. § 8-106 [Right to notice and appearance at hearing]</i></p> <p style="text-align: center;">Notice to parties and victim or victim’s representative</p> <p>(a) A review panel may increase, modify, or reduce a sentence only after notice to each party and notice to any victim or victim’s representative as provided under § 11-104 or § 11-503 of this article.</p> <p style="text-align: center;">Opportunity for parties and victim or victim’s representative to be heard</p> <p>(b) Before changing a sentence, a review panel shall allow:</p> <ol style="list-style-type: none"> (1) each party to be heard at the hearing; and (2) the victim or victim’s representative to attend the hearing, as provided by § 11-102 of this article, and to address the review panel, as provided by § 11-403 of this article. <p><i>Md. Code Ann., Crim. Proc. § 3-123 [Notification of victim]</i></p> <p style="text-align: center;">Definitions</p> <p>(a)(1) In this section the following terms have the meanings indicated.</p> |
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| | <p>(2) “Defendant” means:</p> <ul style="list-style-type: none"> (i) a committed individual; (ii) an individual found incompetent to stand trial; or (iii) an individual charged with a crime and the issue of whether the individual is incompetent to stand trial has been raised or where a plea of not criminally responsible has been entered. <p>(3) “Victim” means a victim of a crime of violence or a victim who has filed a notification request form under § 11-104 of this article.</p> <p>(4) “Victim’s representative” includes a family member or guardian of a victim who is:</p> <ul style="list-style-type: none"> (i) a minor; (ii) deceased; or (iii) disabled. <p>....</p> <p style="text-align: center;">Relevant information and request for no contact by victim or victim’s representative</p> <p>(e)(1) A victim or victim’s representative may submit, in writing or orally, to the State’s Attorney and to the facility of the Health Department that has charge of a defendant:</p> <ul style="list-style-type: none"> (i) any information that the victim or victim’s representative considers relevant; and (ii) a request that the defendant be prohibited from having any contact with the victim or victim’s representative, as a condition of release. <p>(2) Except for a court hearing to determine if a person is incompetent to stand trial or not criminally responsible, a victim or victim’s representative may submit a written or oral statement to the court or the Office conducting a hearing or review relating to a defendant under this title containing:</p> <ul style="list-style-type: none"> (i) any information regarding the nature and consequences of the crime and any contact after the crime between the defendant and the victim or the victim’s family; and (ii) a request that the defendant be prohibited from having any contact with the victim as a condition of release. <p style="text-align: center;">Consideration of information and protection of contact information by Health Department</p> <p>(f)(1) If a victim or victim’s representative submits written or oral information under this section, the Health Department, court, or Office shall:</p> <ul style="list-style-type: none"> (i) consider the information; (ii) maintain at the facility that has charge of the defendant, separate from the medical record of the defendant, the written statement of the victim or victim’s representative; and (iii) delete the victim’s or the victim’s representative’s address and telephone number before any document is examined by the defendant or defendant’s representative. |
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| | <p>(2)(i) If a victim or a victim's representative has submitted a written factual statement under subsection (e)(2)(i) of this section to the Health Department, at least 30 days before a hearing or review under this title the Health Department shall notify the defendant or defendant's representative in writing of the intended use of the victim's or victim's representative's written factual statement and send to the defendant or the defendant's representative a copy of the written factual statement to be admitted.</p> <p>(ii) If the defendant objects to the admission of the written factual statement of the victim or victim's representative, the defendant shall notify the Health Department, State's Attorney, and court or the Office in writing no later than 20 days before the hearing or review.</p> <p>(iii) If the timely and proper notice required under subparagraph (ii) of this paragraph is provided by the defendant, the written factual statement is inadmissible without the testimony of the victim or victim's representative.</p> <p>(iv) Failure of the defendant to give the timely and proper notice under subparagraph (ii) of this paragraph is a waiver of the defendant's right to the presence and testimony of the victim or victim's representative and the written factual statement of the victim or victim's representative shall be admitted.</p> <p>(v) If a defendant provides notice under subparagraph (ii) of this paragraph, the Health Department shall notify the victim that:</p> <ol style="list-style-type: none"> 1. the victim's or victim's representative's written factual statement is inadmissible at the hearing without the testimony of the victim or victim's representative; and 2. the victim or victim's representative may attend the hearing and testify. <p>....</p> <p style="text-align: center;">Right of victim or victim's representative to attend hearing</p> <p>(k)(1) Except as provided in paragraph (2) of this subsection, a victim or victim's representative shall have the right to attend a hearing under this article relating to a defendant as provided under § 11-102 of this article.</p> <p>(2) At the request of a defendant, the Office, in a release hearing or a violation hearing under this subtitle for an individual found not criminally responsible, may exclude a victim or victim's representative from the expert testimony regarding the defendant's medical, psychological, or psychiatric information if the Office finds the medical, psychological, or psychiatric information is:</p> <ol style="list-style-type: none"> (i) highly sensitive to the defendant; and (ii) not relevant to whether the defendant should be released or has violated the conditions of release. <p>....</p> |
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| <p>Massachusetts</p> | <p><i>Mass. Gen. Laws Ann. ch. 279, § 4B [Notice to victim of sentencing proceedings; oral or written statements]</i></p> <p>Before disposition in any case where a defendant has been found guilty of any felony or any crime against the person or crime where physical injury to a person results, excluding any crime for which a sentence of death may be imposed, and which involves an identified victim whose whereabouts are known, the district attorney shall give the victim actual notice of the time and place of sentencing and of the victim's right to make a statement to the court, orally or in writing at the victim's option, as to the impact of the crime and as to a recommended sentence. Before disposition, the court shall allow any victim who elects to make such an oral statement the opportunity to do so in the presence of the defendant. Before disposition, the district attorney shall file any such written statement with the court and shall make it available to the defendant.</p> <p>If the victim is unable to make an oral or written statement because of his mental, emotional, or physical incapacity or his age, his attorney or a designated family member shall be provided the notice and the opportunity to make a statement prescribed in this paragraph.</p> <p>Before said disposition the office of the district attorney shall cause to be prepared a written statement as to the impact of the crime on the victim, which shall be filed with the court as part of the presentence report and made available to the defendant. The statement shall include the following: (1) the name of the victim; (2) documentation of the net financial loss, if any, suffered by the victim or a family member as a result of the crime; (3) in cases where the crime has had an impact on the victim's personal welfare or family relationship or has had a psychological impact on the victim or his family, a statement of such impact.</p> <p>The court shall allow the defendant to have the opportunity to rebut the victim's oral or written statement and the district attorney's written statement if the court decides to rely upon such statements or parts thereof in imposing sentence.</p> <p>....</p> <p><i>Mass. Gen. Laws Ann. ch. 258B, § 3 [Rights afforded victims, witnesses or family members]</i></p> <p>....</p> <p>(n) for victims, to confer with the probation officer prior to the filing of the full presentence report. If the victim is not available or declines to confer, the probation officer shall record that information in the report. If the probation officer is not able to confer with the victim or the victim declines to confer, the probation officer shall note in the full presentence report the reason why the probation officer did not make contact with the victim;</p> <p>(o) for victims, to request that restitution be an element of the final disposition of a case and to obtain assistance from the prosecutor in the documentation of the victim's losses. If restitution is ordered as part of a case disposition, the victim has the right to receive from the probation department a copy of the schedule of restitution payments and the name and telephone number of the probation officer or other official who is responsible for</p> |
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| | <p>supervising the defendant's payments. If the offender seeks to modify the restitution order, the offender's supervising probation officer shall provide notice to the victim and the victim shall have the right to be heard at any hearing relative to the proposed modification.</p> <p>(p) for victims, to be heard through an oral and written victim impact statement at sentencing or the disposition of the case against the defendant about the effects of the crime on the victim and as to a recommended sentence, pursuant to section four B of chapter two hundred and seventy-nine, and to be heard at any other time deemed appropriate by the court. The victim also has a right to submit the victim impact statement to the parole board for inclusion in its records regarding the perpetrator of the crime;</p> <p>....</p> <p><i>Mass. Gen. Laws Ann. ch. 127, § 133E [Victims of violent crime or sex offenses; certification by department of criminal justice information services; testimony at parole hearing]</i></p> <p>Victims, and parents or legal guardians of minor victims, of a violent crime or a sex offense for which a sentence was imposed, who have been certified by the department of criminal justice information services in accordance with section 172 of chapter 6 and section 3 of chapter 258B, may testify in person at the parole hearing of the perpetrator of the crime of which they were victims, or submit written testimony to the parole board.</p> <p>....</p> |
| Michigan | <p><i>Mich. Const. Art. 1, § 24 [Rights of crime victims; enforcement; assessment against convicted defendants]</i></p> <p>Sec. 24. (1) Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>....</p> <p>The right to make a statement to the court at sentencing.</p> <p><i>Mich. Comp. Laws Ann. § 780.764 [Making and submitting impact statement for use in presentence investigation report]</i></p> <p>Sec. 14. The victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing a presentence investigation report concerning the defendant pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall upon the victim's request, be included in the presentence investigation report.</p> <p><i>Mich. Comp. Laws Ann. § 780.765 [Impact statement at sentencing; rights of victim; presence of defendant]</i></p> |

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| | <p>Sec. 15. (1) The victim has the right to appear and make an oral impact statement at the sentencing of the defendant. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.</p> <p>(2) Unless the court has determined, in its discretion, that the defendant is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the defendant must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the defendant being physically present during that victim's oral impact statement. This subsection applies to cases in which the sentencing of the defendant occurs on or after the effective date of the amendatory act that added this subsection.</p> <p>(3) The 2018 amendatory act that amended this section and sections 43 and 75 shall be known and may be cited as the "Rebekah Bletsch law".</p> <p><i>Mich. Comp. Laws Ann. § 771.2 [Period of probation; determination; reduction of probationary term; procedure; sex offender registration]</i></p> <p>....</p> <p>(2) Except as provided in subsection (4), section 2a of this chapter, and section 36 of chapter VIII, after the defendant has completed ½ of the original felony probation period of his or her felony probation, the department or probation department may notify the sentencing court. If, after a hearing to review the case and the defendant's conduct while on probation, the court determines that the defendant's behavior warrants a reduction in the probationary term, the court may reduce that term by 100% or less. The victim must be notified of the date and time of the hearing and be given an opportunity to be heard. The court shall consider the impact on the victim and repayment of outstanding restitution caused by reducing the defendant's probationary term. Not less than 28 days before reducing or terminating a period of probation or conducting a review under this section, the court shall notify the prosecuting attorney, the defendant or, if the defendant has an attorney, the defendant's attorney. However, this subsection does not apply to a defendant who is subject to a mandatory probation term.</p> <p>....</p> <p><i>Mich. Comp. Laws Ann. § 780.763 [Notice of defendant's conviction and of victim's right to participate in sentencing investigation and proceedings]</i></p> <p>Sec. 13. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:</p> |
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| | <p>(a) The defendant's conviction.</p> <p>(b) The crimes for which the defendant was convicted.</p> <p>(c) The victim's right to make a written or oral impact statement for use in the preparation of a presentence investigation report concerning the defendant.</p> <p>(d) The address and telephone number of the probation office which is to prepare the presentence investigation report.</p> <p>(e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.</p> <p>(f) The victim's right to make an impact statement at sentencing.</p> <p>(g) The time and place of the sentencing proceeding.</p> <p>(2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.</p> <p>(3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following:</p> <p>(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.</p> <p>(b) An explanation of the extent of any economic loss or property damage suffered by the victim.</p> <p>(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.</p> <p>(d) The victim's recommendation for an appropriate sentence.</p> <p><i>Mich. Comp. Laws Ann. § 780.763a [Form for receipt of notifications under § 780.768b, 780.769, 780.769a, 780.770, or 780.770a; notification of victim of revocation of probation of defendant; notification of victim of proposed placement if defendant in special alternative placement unit; review of impact statement of victim by sentencing or successor judge in making determination as to objection to placement of defendant in special alternative incarceration unit]</i></p> <p>Sec. 13a. (1) When a defendant is sentenced to probation, sentenced to a term of imprisonment, ordered to be placed in a juvenile facility, or hospitalized in or admitted to a hospital or a facility, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under section 18b, 19, 19a, 20, or 20a. The form shall include the address of the court, the department of corrections, the sheriff, the department of human services, the county juvenile agency, or the hospital or facility, as applicable, to which the form may be sent.</p> |
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| | <p>(2) If the defendant is sentenced to probation, the department of corrections or the sheriff, as applicable, shall notify the victim if the probation is revoked and the defendant is sentenced to the department of corrections or to jail for more than 90 days. The notice shall include a form the victim may submit to the department of corrections or the sheriff to receive notices under section 19, 20, or 20a.</p> <p>(3) If the department of corrections determines that a defendant who was, in the defendant's judgment of sentence, not prohibited from being or permitted to be placed in the special alternative incarceration unit established under section 3 of the special alternative incarceration act, 1988 PA 287, MCL 798.13, meets the eligibility requirements of section 34a(2) and (3) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the department of corrections shall notify the victim, if the victim has submitted a written request for notification under section 19, of the proposed placement of the defendant in the special alternative incarceration unit not later than 30 days before placement is intended to occur. In making the decision on whether or not to object to the placement of the defendant in a special alternative incarceration unit as required by section 34a(4) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the sentencing judge or the judge's successor shall review an impact statement submitted by the victim under section 14.</p> <p><i>Mich. Comp. Laws Ann. § 780.769 [Notification of victim of defendant's earliest release or parole date, transfer within correctional system, escape, reprieve, pardon, discharge, etc.]</i></p> <p>Sec. 19. (1) Upon the written request of any individual who was a victim of the defendant's course of conduct that gave rise to the conviction, the sheriff or the department of corrections shall mail to that victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for that crime:</p> <p>....</p> <p>(e) Notice of both of the following:</p> <p>(i) The victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole during the time the prisoner's release on parole or commutation of sentencing is being considered, as provided in section 21.²</p> <p>(ii) The victim's right to address the parole board and to present exhibits or other photographic or documentary information to the parole board including at a commutation hearing.</p> <p>(f) Notice of the decision of the parole board, or any other panel having authority over the prisoner's release on parole, after a parole review, as provided in section 21.</p> <p>(g) Notice of the release of a prisoner 90 days before the date of the prisoner's discharge from prison, unless the notice has been otherwise provided under this article.</p> |
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| | <p>(h) Notice that the prisoner has applied for a reprieve, commutation, or pardon and the parole board has decided to consider the application.</p> <p>(i) Notice of a public hearing under section 44 of the corrections code of 1953, 1953 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon of the prisoner's sentence by the governor.</p> <p>(j) Notice that a reprieve, commutation, or pardon has been granted or denied upon conclusion of a public hearing.</p> <p>(k) Notice that a prisoner has had his or her name legally changed while on parole or within 2 years after release from parole.</p> <p>(l) Notice that a prisoner has been convicted of a new crime.</p> <p>(m) Notice that a prisoner has been returned from parole status to a correctional facility due to an alleged violation of the conditions of his or her parole.</p> <p>(n) Notice that the prisoner, including a parolee, has died. However, the notification requirements of this subdivision apply to the death of a parolee only if the department is aware that the parolee has died.</p> <p>(2) A victim's address and telephone number maintained by a sheriff or the department of corrections upon a request for notice under this section are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released.</p> <p><i>Mich. Comp. Laws Ann. § 780.771 [Rights of victim relating to parole of defendant]</i></p> <p>Sec. 21. (1) A victim has the right to do both of the following:</p> <p>(a) To address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole during the time the prisoner's release on parole or commutation of sentencing is being considered.</p> <p>(b) To address the parole board and to present exhibits or other photographic or documentary information to the parole board including at a commutation hearing.</p> <p>(2) Not less than 30 days before a review of the prisoner's release, a victim who has requested notice under section 19(1)(f) shall be given written notice by the department of corrections informing the victim of the pending review and of victims' rights under this section. The victim, at his or her own expense, may be represented by counsel at the review.</p> <p>(3) A victim shall receive notice of the decision of the board or panel and, if applicable, notice of the date of the prisoner's release on parole. Notice shall be mailed within a reasonable time after the board or panel reaches its decision but not later than 14 days after the board or panel has reached its decision. The notice shall include a statement of the victim's right to appeal a parole decision, as allowed under section 34 of the corrections code of 1953, 1953 PA 232, MCL 791.234.</p> |
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(4) A record of an oral statement or a written statement made under subsection (1) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released.

Mich. Comp. Laws Ann. § 780.791 [Notice to victim; disposition proceedings; report; victim's impact statement]

Sec. 41. (1) The prosecuting attorney, or, pursuant to an agreement under section 48a, the court, upon and in accordance with the request of the victim, shall give the victim notice of all of the following:

- (a) The offenses for which the juvenile was adjudicated or convicted.
- (b) The victim's right to make an impact statement at the disposition hearing or sentencing.
- (c) The time and place of the disposition or sentencing proceeding.

(2) If a report is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case, the person preparing the report shall give notice to the victim of all of the following:

- (a) The victim's right to make an impact statement for use in preparing the report.
 - (b) The address and telephone number of the person who is to prepare the report.
 - (c) The fact that the report and any statement of the victim included in the report will be made available to the juvenile unless exempted from disclosure by the court.
- (3) A notice under subsection (1) or (2) shall inform the victim that his or her impact statement may be oral or written and may include, but shall not be limited to, any of the following:
- (a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.
 - (b) An explanation of the extent of any economic loss or property damage suffered by the victim.
 - (c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.
 - (d) The victim's recommendation for an appropriate disposition or sentence.

Mich. Comp. Laws Ann. § 780.792 [Predisposition report; victim's impact statement]

Sec. 42. (1) If a report is to be prepared for the juvenile's disposition or for a sentencing in a proceeding that is a designated case, the victim has the right to submit a written or oral impact statement to the person preparing the report for that person's use in preparing the report.

(2) If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the disposition or sentencing.

(3) Upon the victim's request, a victim's written statement under this section shall be included in the report.

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| | <p><i>Mich. Comp. Laws Ann. § 780.793 [Impact statement at juvenile’s disposition or sentencing; rights of victim; presence of juvenile]</i></p> <p>Sec. 43. (1) The victim has the right to appear and make an oral impact statement at the juvenile’s disposition or sentencing. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.</p> <p>(2) Upon request, the victim shall be notified by the prosecuting attorney, or, pursuant to an agreement under section 48a, the court of the disposition of the juvenile’s offense not more than 30 days after the disposition is made.</p> <p>(3) Unless the court has determined, in its discretion, that the juvenile is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the juvenile must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the juvenile being physically present during that victim’s oral impact statement. This subsection applies to cases in which the sentencing of the juvenile occurs on or after the effective date of the amendatory act that added this subsection.</p> <p>(4) The 2018 amendatory act that amended this section and sections 15 and 75 shall be known and may be cited as the “Rebekah Bletsch law”.</p> <p><i>Mich. Comp. Laws Ann. § 780.823 [Notice to victim by prosecuting attorney; request of victim; contents of notice; impact statement]</i></p> <p>Sec. 73. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:</p> <p>(a) The defendant’s conviction.</p> <p>(b) The offenses for which the defendant was convicted.</p> <p>(c) If a presentence investigation report is to be prepared, the victim’s right to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant.</p> <p>(d) The address and telephone number of the probation office which is to prepare the presentence investigation report.</p> <p>(e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court.</p> <p>(f) The victim’s right to make an impact statement at sentencing.</p> |
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| | <p>(g) The time and place of the sentencing proceeding.</p> <p>(2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.</p> <p>(3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following:</p> <p>(a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim.</p> <p>(b) An explanation of the extent of any economic loss or property damage suffered by the victim.</p> <p>(c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage.</p> <p>(d) The victim's recommendation for an appropriate sentence.</p> <p><i>Mich. Comp. Laws Ann. § 780.824 [Preparation of presentence investigation report; victim's impact statement; inclusion of written statement in report]</i></p> <p>Sec. 74. If a presentence investigation report concerning the defendant is prepared, the victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing the report pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim's written statement shall, upon the victim's request, be included in the presentence investigation report.</p> <p><i>Mich. Comp. Laws Ann. § 780.825 [Impact statement when no presentence report is prepared; rights of victim; presence of defendant]</i></p> <p>Sec. 75. (1) If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the sentencing. The victim has the right to submit a written impact statement and has the right to appear and make an oral impact statement at the sentencing of the defendant. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney. The court shall consider the victim's statement in imposing sentence on the defendant.</p> <p>(2) Unless the court has determined, in its discretion, that the defendant is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the defendant must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the defendant being physically present during that victim's oral impact statement. This subsection</p> |
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| | <p>applies to cases in which the sentencing of the defendant occurs on or after the effective date of the amendatory act that added this subsection.</p> <p>(3) The 2018 amendatory act that amended this section and sections 15 and 43 shall be known and may be cited as the “Rebekah Bletsch law”.</p> <p><i>Mich. Comp. Laws Ann. § 791.244a [Expedited review and hearing process for reprieve, commutation, or pardon based on medical condition of prisoner]</i></p> <p>Sec. 44a. (1) Upon a request from the governor under this section to expedite the review and hearing process for a reprieve, commutation, or pardon based in part on a prisoner’s medical condition, the parole board shall do all of the following, as applicable:</p> <p>....</p> <p>(e) Not more than 90 days after initiation by the parole board or receipt of an application that the parole board has determined to have merit under subdivision (a), make a full investigation and determination on whether or not to proceed to a public hearing.</p> <p>(f) Conduct a public hearing not later than 90 days after making a decision to proceed with consideration of a recommendation for the granting of a reprieve, commutation, or pardon. The public hearing shall be held before a formal recommendation is transmitted to the governor. One member of the parole board who will be involved in the formal recommendation may conduct the hearing, and the public must be represented by the attorney general or a member of the attorney general’s staff.</p> <p>(g) Not fewer than 30 days before conducting the public hearing, provide written notice of the public hearing by mail to the attorney general, the sentencing judge, and the prosecuting attorney, or their successors in office, and each victim who requests notice under the William Van Regenmorter crime victim’s rights act, 1985 PA 87, MCL 780.751 to 780.834.</p> <p>(h) Conduct the public hearing under the rules promulgated by the department. Except as otherwise provided in this subdivision, any person having information in connection with the pardon, commutation, or reprieve must be sworn as a witness. A person who is a victim must be given an opportunity to address and be questioned by the parole board at the hearing or to submit written testimony for the hearing. In hearing testimony, the parole board shall give liberal construction to any rules of evidence.</p> <p>....</p> <p><i>Mich. R. Crim. P. Ct. R. 6.425 [Sentencing; Appointment of Appellate Counsel]</i></p> <p>(A) Presentence Report; Contents.</p> |
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| | <p>(1) Prior to sentencing, the probation officer must investigate the defendant's background and character, verify material information, and report in writing the results of the investigation to the court. The report must be succinct and, depending on the circumstances, include:</p> <p>....</p> <p>(f) information concerning the financial, social, psychological, or physical harm suffered by any victim of the offense, including the restitution needs of the victim,</p> <p>(g) if provided and requested by the victim, a written victim's impact statement as provided by law,</p> <p>....</p> |
| Minnesota | <p><i>Minn. Stat. Ann. § 611A.038 [Right to submit statement at sentencing]</i></p> <p>(a) A victim has the right to submit an impact statement to the court at the time of sentencing or disposition hearing. The impact statement may be presented to the court orally or in writing, at the victim's option. If the victim requests, the prosecutor must orally present the statement to the court. Statements may include the following, subject to reasonable limitations as to time and length:</p> <p>(1) a summary of the harm or trauma suffered by the victim as a result of the crime;</p> <p>(2) a summary of the economic loss or damage suffered by the victim as a result of the crime; and</p> <p>(3) a victim's reaction to the proposed sentence or disposition.</p> <p>(b) A representative of the community affected by the crime may submit an impact statement in the same manner that a victim may as provided in paragraph (a). This impact statement shall describe the adverse social or economic effects the offense has had on persons residing and businesses operating in the community where the offense occurred.</p> <p>(c) If the court permits the defendant or anyone speaking on the defendant's behalf to present a statement to the court, the court shall limit the response to factual issues which are relevant to sentencing.</p> <p>(d) Nothing in this section shall be construed to extend the defendant's right to address the court under section 631.20.</p> <p><i>Minn. Stat. Ann. § 253D.14 [Victim notification of petition and release; right to submit statement]</i></p> <p>....</p> <p>Subd. 3. Notice of discharge or release. Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this chapter from a treatment facility, the executive director shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a</p> |

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| | <p>right to submit a written statement regarding decisions of the executive director, or special review board, with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this chapter. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.</p> <p>....</p> <p><i>Minn. Stat. Ann. § 609A.03 [Petition to expunge criminal records]</i></p> <p>Subdivision 1. Petition; filing fee. An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section and pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived in cases of indigency and shall be waived in the cases described in section 609A.02, subdivision 3, paragraph (a), clause (1).</p> <p>Subd. 2. Contents of petition. (a) A petition for expungement shall be signed under oath by the petitioner and shall state the following:</p> <p>....</p> <p>(5) the details of the offense or arrest for which expungement is sought, including the date and jurisdiction of the occurrence, either the names of any victims or that there were no identifiable victims, whether there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the court file number, and the date of conviction or of dismissal;</p> <p>....</p> <p>(b) If there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the petitioner shall attach a copy of the order to the petition.</p> <p>Subd. 3. Service of petition and proposed order.</p> <p>(b) The prosecutorial office that had jurisdiction over the offense for which expungement is sought shall serve by mail the petition for expungement and a proposed expungement order on any victims of the offense for which expungement is sought who have requested notice of expungement pursuant to section 611A.06. Service under this paragraph does not constitute a violation of an existing order for protection, restraining order, or other no contact order.</p> |
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| | <p>(c) The prosecutorial office’s notice to victims of the offense under this subdivision must specifically inform the victims of the victims’ right to be present and to submit an oral or written statement at the expungement hearing described in subdivision 4.</p> <p>....</p> <p>Subd. 4. Hearing. A hearing on the petition shall be held no sooner than 60 days after service of the petition. A victim of the offense for which expungement is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim’s recommendation on whether expungement should be granted or denied. The judge shall consider the victim’s statement when making a decision.</p> <p>....</p> <p><i>Minn. Stat. Ann. § 244.05 [Supervised release term]</i></p> <p>....</p> <p>Subd. 5. Supervised release, life sentence. (a) The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.</p> <p>(b) The commissioner shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall also include the views of the victim and the victim’s family unless the victim or the victim’s family chooses not to participate.</p> <p>(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate’s supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim’s recommendation on whether the inmate should be given supervised release at this time. The commissioner must consider the victim’s statement when making the supervised release decision.</p> <p>....</p> |
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| Mississippi | <p><i>Miss. Code Ann. § 99-43-33 [Victim impact statements at court proceedings]</i> The victim has the right to present an impact statement or information that concerns the criminal offense or the sentence during any entry of a plea of guilty, sentencing or restitution proceeding.</p> <p><i>Miss. Code Ann. § 99-43-37 [Right of victim to be present and heard at court proceedings]</i> It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forward with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement, or both.</p> <p><i>Miss. Code Ann. § 99-43-43 [Victim statements for prison records; notice of parole or pardon proceedings; notice of change of custodial status]</i> (1) Upon written request, the victim shall have the right to be notified that he or she may submit a written statement, or audio or video recording, which shall be entered into the prisoner's Department of Corrections records. The statement or recording shall be considered during any review for community status of the prisoner or prior to release of the prisoner. (2) The victim shall have the right to be notified and allowed to submit a written or recorded statement when parole or pardon is considered. (3) The victim shall have the right to be notified and allowed to submit a written or recorded statement when any change in custodial status is considered, whether such action be by executive order or judicial action.</p> <p><i>Miss. Code Ann. § 47-7-18 [Hearing for release]</i> (1) Each inmate eligible for parole pursuant to Section 47-7-3, shall be released from incarceration to parole supervision on the inmate's parole eligibility date, without a hearing before the board, if: (a) The inmate has met the requirements of the parole case plan established pursuant to Section 47-7-3.1; (b) A victim of the offense has not requested the board conduct a hearing; (4) A hearing shall be held with the board if requested by the victim following notification of the inmate's parole release date pursuant to Section 47-7-17.</p> <p><i>Miss. Code Ann. § 99-19-157 [Statements of victims]</i> (1) If a court orders the preparation of a presentence evaluation report on a defendant in a felony case, the presentence investigator shall prepare a written victim impact statement for the court which shall be appended to</p> |
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| | <p>such report. The statement shall include applicable information obtained during consultation with the victim or the victim representative. If the victim or victim representative cannot be located or declines to cooperate in the preparation of the statement, the presentence investigator shall include a notation to that effect in the statement. If there are multiple victims and preparation of individual victim impact statements is not feasible, the presentence investigator may submit one or more representative statements.</p> <p>(2) If a court does not order the preparation of a presentence evaluation report on a defendant in a felony case, the victim or victim representative may also submit a victim impact statement in one or both of the following ways:</p> <p>(a) With the permission of the trial court, the victim may present an oral victim impact statement at any sentencing hearing. However, where there are multiple victims, the court may limit the number of oral victim impact statements.</p> <p>(b) The victim may submit a written statement to the prosecuting attorney, who shall present such statement to the trial judge prior to sentencing.</p> <p><i>Miss. Code. Ann. § 99-43-31 [Victim impact statements to probation officers]</i> The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.</p> |
| Missouri | <p><i>Mo. Const. art. I, § 32 [Crime victims' rights]</i></p> <p>1. Crime victims, as defined by law, shall have the following rights, as defined by law:</p> <p>....</p> <p>(2) Upon request of the victim, the right to be informed of and heard at guilty pleas, bail hearings, sentencings, probation revocation hearings, and parole hearings, unless in the determination of the court the interests of justice require otherwise;</p> <p>....</p> <p><i>Mo. Ann. Stat. § 217.762 [Presentence investigation, required, when--victim impact statement, prepared when, contents]</i></p> <p>1. Prior to sentencing any defendant convicted of a felony which resulted in serious physical injury or death to the victim, a presentence investigation shall be conducted by the division of probation and parole to be considered by the court, unless the court orders otherwise.</p> |

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| | <p>2. The presentence investigation shall include a victim impact statement if the defendant caused physical, psychological, or economic injury to the victim.</p> <p>3. If the court does not order a presentence investigation, the prosecuting attorney may prepare a victim impact statement to be submitted to the court. The court shall consider the victim impact statement in determining the appropriate sentence, and in entering any order of restitution to the victim.</p> <p>4. A victim impact statement shall:</p> <ol style="list-style-type: none"> (1) Identify the victim of the offense; (2) Itemize any economic loss suffered by the victim as a result of the offense; (3) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence; (4) Describe any change in the victim's personal welfare or familial relationships as a result of the offense; (5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and (6) Contain any other information related to the impact of the offense upon the victim that the court requires. <p><i>Mo. Ann. Stat. § 595.229 [Plea bargain, sentencing, victim's right to appear or make statement--notice to victim]</i></p> <p>....</p> <p>2. At the time of sentencing of any person who has pled guilty or been found guilty of a felony offense, the victim of such offense may appear before the court personally or by counsel for the purpose of making a statement or may submit a written statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant.</p> <p>....</p> <p><i>Mo. Ann. Stat. § 595.209 [Rights of victims and witnesses--written notification, requirements]</i></p> <p>1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:</p> <p>....</p> |
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| | <p>(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;</p> <p>....</p> <p>(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;</p> <p>....</p> <p><i>Mo. Ann. Stat. § 595.210 [Victims of sexually violent offenses, right to testify at parole hearings]</i> Any victim of a sexually violent offense, as defined in section 632.480, shall have the right to testify at any parole hearing scheduled for the sexually violent predator, as defined in section 632.480, who victimized such person, provided that the sexually violent predator is being considered for parole from imprisonment for a crime which arose out of such sexually violent predator's escape or attempted escape from commitment as a sexually violent predator under chapter 632. Such crimes shall not be limited to the crimes of escape or attempted escape, but shall include any crime which was committed during the course of the sexually violent predator's escape or attempted escape from commitment as a sexually violent predator.</p> <p><i>Mo. Ann. Stat. § 217.690 [Board may order release or parole--assessment, personal hearing--fee--rules--minimum term for eligibility for parole, how calculated--first degree murder, eligibility for hearing--hearing procedure--notice--special conditions--education requirements, exceptions--rulemaking authority]</i> 1. All releases or paroles shall issue upon order of the board, duly adopted.</p> <p>....</p> |
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| | <p>7. A victim who has requested an opportunity to be heard shall receive notice that the board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.</p> <p>8. Parole hearings shall, at a minimum, contain the following procedures:</p> <p>(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;</p> <p>(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;</p> <p>(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;</p> <p>(4) The victim or person representing the victim may have a personal meeting with a board member at the board's central office;</p> <p>....</p> |
| Montana | <p><i>Mont. Code Ann. § 46-18-115 [Sentencing hearing--use of two-way electronic audio-video communication]</i></p> <p>Before imposing sentence or making any other disposition upon acceptance of a plea or upon a verdict or finding of guilty, the court shall conduct a sentencing hearing, without unreasonable delay, as follows:</p> <p>....</p> <p>(4)(a) The court shall permit the victim to present a statement concerning the effects of the crime on the victim, the circumstances surrounding the crime, the manner in which the crime was perpetrated, and the victim's opinion regarding appropriate sentence. At the victim's option, the victim may present the statement in writing before the sentencing hearing or orally under oath at the sentencing hearing, or both.</p> <p>(b) The court shall give copies of any written statements of the victim to the prosecutor and the defendant prior to imposing sentence.</p> <p>(c) The court shall consider the victim's statement along with other factors. However, if the victim's statement includes new material facts upon which the court intends to rely, the court shall allow the defendant adequate opportunity to respond and may continue the sentencing hearing if necessary.</p> <p>....</p> <p><i>Mont. Code Ann. § 46-18-246 [Waiver or modification of payment]</i></p> <p>An offender may at any time petition the sentencing court to adjust or otherwise waive payment of any part of any ordered restitution or amount to be paid pursuant to 46-18-241(2)(a). The court shall schedule a hearing and give</p> |

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| | <p>a victim to whom restitution was ordered notice of the hearing date, place, and time and inform the victim that the victim will have an opportunity to be heard.</p> <p>....</p> <p><i>Mont. Code Ann. § 46-23-506 [Duration of registration]</i></p> <p>....</p> <p>(3)(a) An [sex] offender required to register for 10 years under subsection (2)(a) may, after the 10 years have passed, petition the sentencing court or the district court for the judicial district in which the offender resides for an order relieving the offender of the duty to register. The petition must be served on the county attorney in the county where the petition is filed. The petition must be granted if the defendant has not been convicted under subsection (2)(b).</p> <p>(b) Except as provided in subsection (5), at any time after 10 years of registration for a level 1 sexual offender and at any time after 25 years of registration for a level 2 sexual offender, an offender may petition the sentencing court or the district court for the judicial district in which the offender resides for an order relieving the offender of the duty to register. The petition must be served on the county attorney in the county where the petition is filed. Prior to a hearing on the petition, the county attorney shall mail a copy of the petition to the victim of the last offense for which the offender was convicted if the victim's address is reasonably available. The court shall consider any written or oral statements of the victim.</p> <p>....</p> <p><i>Mont. Code Ann. § 46-23-208 [Nonmedical parole criteria--information board may consider]</i></p> <p>....</p> <p>(4) In making its determination regarding nonmedical parole release, a hearing panel shall consider all available and pertinent information regarding the prisoner, including the following factors:</p> <p>....</p> <p>(p) written or oral statements from criminal justice authorities or any other interested person or the interested person's legal representative, including written or oral statements from a victim regarding the effects of the crime on the victim. A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the offender should be paroled.</p> <p>....</p> <p><i>Mont. Code Ann. § 46-24-206 [Property return--right to be heard on disposition of evidence]</i></p> |
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| | <p>....</p> <p>(2) Before the destruction, disposal, or use of evidence that is not the victim's property, the court shall, as provided in 46-5-308, give the victim an opportunity to be heard as to the appropriate disposition of the evidence.</p> <p><i>Mont. Code Ann. § 46-5-308 [Order]</i></p> <p>(1) The court may enter an order providing for the destruction or disposition of the evidence. If a victim of the offense wishes to be heard on the petition, the court shall schedule a hearing on the petition and shall allow the victim to be heard in open court. The court shall consider the victim's statements prior to issuing an order under this section.</p> <p>....</p> <p><i>Mont. Code Ann. § 46-24-212 [Information concerning confinement]</i></p> <p>On request of a victim of a felony offense, the department of corrections or the board of pardons and parole, as applicable, shall:</p> <p>(1) promptly inform the victim of the following information concerning a prisoner committing the offense:</p> <p>....</p> <p>(d) the time and place of a parole hearing concerning the prisoner, the victim's right to submit a statement to the board of pardons and parole or the hearing panel conducting a parole hearing under 46-23-202, and the victim's right under 46-23-215, 46-23-509, or 46-23-1011 to request a condition of parole or probation to require the prisoner to refrain from direct or indirect contact with the victim;</p> <p>....</p> <p><i>Mont. Code Ann. § 46-23-210 [Medical parole]</i></p> <p>....</p> <p>(5) Upon receiving the application from the department, a hearing panel shall hold a hearing. Any interested person or the interested person's representative may submit written or oral statements, including written or oral statements from a victim. A victim's statement may be kept confidential.</p> <p>....</p> <p><i>Mont. Code Ann. § 46-23-1025 [Report to and action by board]</i></p> <p>....</p> <p>(4) If the prisoner has violated a condition of release requiring the payment of restitution, the supervising parole officer shall notify the victim of the offense prior to the hearing required by 46-23-1024 and give the victim an</p> |
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| | <p>opportunity to provide written or oral comment.</p> <p>....</p> |
| Nebraska | <p><i>Neb. Const. art. I, § 28 [Crime victims; rights enumerated; effect; Legislature; duties]</i></p> <p>(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.</p> <p>....</p> <p><i>Neb. Rev. Stat. Ann. § 81-1848 [Victims and witnesses of crimes; rights; enumerated]</i></p> <p>(1) Victims as defined in section 29-119 shall have the following rights:</p> <p>....</p> <p>(d) To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the following:</p> <p>....</p> <p>(iv) The victim's right to make a written or oral impact statement to be used in the probation officer's preparation of a presentence investigation report concerning the defendant;</p> <p>(v) The address and telephone number of the probation office which is to prepare the presentence investigation report;</p> <p>(vi) That a presentence investigation report and any statement by the victim included in such report will be made available to the defendant unless exempted from disclosure by order of the court; and</p> <p>(vii) The victim's right to submit a written impact statement at the sentencing proceeding or to read his or her impact statement submitted pursuant to subdivision (1)(d)(iv) of this section at the sentencing proceeding;</p> <p>(e) To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the time and place of any subsequent judicial proceedings if the defendant was acquitted on grounds of insanity;</p> <p>(f) To be notified as provided in section 81-1850, to testify before the Board of Parole or submit a written statement for consideration by the board, and to be notified of the decision of and any action taken by the board;</p> <p>(g) To submit a written statement for consideration at any conditional release proceedings, Board of Parole proceedings, pardon proceedings, or commutation proceedings. Conditional release proceeding means a proceeding convened pursuant to a Department of Correctional Services' decision to grant a furlough from</p> |

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| | <p>incarceration for twenty-four hours or longer or a release into community-based programs, including educational release and work release;</p> <p>....</p> <p><i>Neb. Rev. Stat. Ann. § 29-2261 [Presentence investigation, when; contents; psychiatric examination; persons having access to records; reports authorized]</i></p> <p>....</p> <p>(1) Unless it is impractical to do so, when an offender has been convicted of a felony other than murder in the first degree, the court shall not impose sentence without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation.</p> <p>(2) A court may order a presentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.</p> <p>(3) The presentence investigation and report shall include, when available, an analysis of the circumstances attending the commission of the crime, the offender's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and personal habits, and any other matters that the probation officer deems relevant or the court directs to be included. All local and state police agencies and Department of Correctional Services adult correctional facilities shall furnish to the probation officer copies of such criminal records, in any such case referred to the probation officer by the court of proper jurisdiction, as the probation officer shall require without cost to the court or the probation officer.</p> <p>Such investigation shall also include:</p> <p>(a) Any written statements submitted to the county attorney by a victim; and</p> <p>(b) Any written statements submitted to the probation officer by a victim.</p> <p>(4) If there are no written statements submitted to the probation officer, he or she shall certify to the court that:</p> <p>(a) He or she has attempted to contact the victim; and</p> <p>(b) If he or she has contacted the victim, such officer offered to accept the written statements of the victim or to reduce such victim's oral statements to writing.</p> <p>....</p> |
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| Nevada | <p><i>Nev. Const. art. I, § 8 [Rights of accused in criminal prosecutions; jeopardy; rights of victims of crime; due process of law; eminent domain]</i></p> <p>....</p> <p>2. The legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:</p> <p>(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;</p> <p>(b) Present at all public hearings involving the critical stages of a criminal proceeding; and</p> <p>(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.</p> <p>....</p> <p><i>Nev. Rev. Stat. Ann. § 176.015 [Prompt hearing; court may commit defendant or continue or alter bail before hearing; statement by defendant; presentation of mitigating evidence; rights of victim; notice of hearing]</i></p> <p>....</p> <p>3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:</p> <p>(a) Appear personally, by counsel or by personal representative; and</p> <p>(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.</p> <p>....</p> <p><i>Nev. Rev. Stat. Ann. § 176.145 [Presentence investigation and report: Contents of report]</i></p> <p>1. The report of any presentence investigation must contain:</p> <p>....</p> <p>(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;</p> <p>....</p> |
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| | <p><i>Nev. Rev. Stat. Ann. § 213.131 [Consideration for parole: Duties of Department of Corrections; use of photographs related to offense during meeting of the State Board of Parole Commissioners; conduct of meeting; notice of meeting to victim; prisoner's rights; notice to prisoner of decision of Board]</i></p> <p>....</p> <p>4. Except as otherwise provided in NRS 213.10915, not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of the victim's rights pursuant to this subsection, if the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.</p> <p>....</p> <p><i>Nev. Rev. Stat. Ann. § 209.392 [Residential confinement: Duration; notification to victim; eligibility; violation of terms or conditions; status; restitution]</i></p> <p>....</p> <p>2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation.</p> <p>....</p> <p><i>Nev. Rev. Stat. Ann. § 209.3925 [Residential confinement or other appropriate supervision of offenders who are physically incapacitated or in ill health: Eligibility; duration; notice; notification to victim; effect of violation of terms or conditions; status; restitution]</i></p> <p>....</p> <p>3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:</p> |
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| | <p>(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and</p> <p>(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.</p> <p>....</p> <p><i>Nev. Rev. Stat. Ann. § 176A.630 [Assignment of case; consideration of alleged violation; revocation permitted upon finding violation; alternative actions; restitution for governmental expenses]</i></p> <p>If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. The court may:</p> <p>....</p> <p>5. Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this subsection. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this subsection is confidential.</p> <p><i>Nev. Rev. Stat. Ann. § 213.010 [State Board of Pardons Commissioners: Members; meetings; notice of meetings to victim]</i></p> |
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| | <p>1. The State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General.</p> <p>2. Meetings of the Board for the purpose of considering applications for clemency may be held semiannually or oftener, on such dates as may be fixed by the Board.</p> <p>3. Except as otherwise provided in a policy adopted pursuant to NRS 213.035, the Board shall give written notice at least 15 days before a meeting to each victim of the crimes committed by each person whose application for clemency will be considered at the meeting, if the victim so requests in writing and provides his or her current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. The victim may submit a written response to the Board at any time before the meeting. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this subsection is confidential.</p> |
| New Hampshire | <p><i>N.H. Rev. Stat. Ann. § 21-M:8-k [Rights of Crime Victims.]</i></p> <p>....</p> <p>II. To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled to the following rights:</p> <p>....</p> <p>(o) The right to have input in the probation presentence report impact statement.</p> <p>(p) The right to appear and make a written or oral victim impact statement at the sentencing of the defendant or, in the case of a plea bargain, prior to any plea bargain agreement. No victim shall be subject to questioning by counsel when giving an impact statement.</p> <p>....</p> <p>(r) The right to be notified of, to attend, and to make a written or oral victim impact statement at the sentence review hearings and sentence reduction hearings. No victim shall be subject to questioning by counsel when giving an impact statement.</p> <p>....</p> <p>(t) The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.</p> <p>(u) The right to all federal and state constitutional rights guaranteed to all victims of crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the right not to be discriminated against or</p> |

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| | <p>have their rights as a victim denied, diminished, expanded, or enhanced on the basis of the victim's support for, opposition to, or neutrality on the death penalty.</p> <p>....</p> <p>(w) The right to be informed of the filing of a petition for post-conviction DNA testing under RSA 651-D.</p> <p>II-a. (a) In any case where the victim informs the court that he or she requires assistance in making an oral or written impact statement permitted under this section, the court shall allow the victim to designate a representative to write or speak on the victim's behalf.</p> <p>(b) The victim's impact statement shall not be limited to the injuries, harm, or damages noted in the information or indictment, but may include all injuries, harm, and damages suffered as a result of the commission or attempted commission of the crime whether or not the injuries, harm, or damages were fully determined or discovered at the time the information or indictment was filed.</p> <p>....</p> <p><i>N.H. Rev. Stat. Ann. § 651:4-a [Right of Crime Victim to Address Judge; Defendant Required to Personally Appear.]</i></p> <p>Before a judge sentences or suspends or reduces the sentence of any person for capital, first degree or second degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, first degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, the victim of the offense, or the victim's next of kin if the victim has died, shall have the opportunity to address the judge. The victim or victim's next of kin may appear personally or by counsel and may reasonably express his or her views concerning the offense, the person responsible, and the need for restitution. The prosecutor and the attorney for the defendant may be present when the victim or victim's next of kin so addresses the judge. The defendant shall personally appear in court when the victim or victim's next of kin addresses the judge, unless excused by the court. The judge may consider the statements of the victim or next of kin made pursuant to this section when imposing sentence or making a decision regarding sentence reduction or sentence suspension.</p> <p><i>N.H. Rev. Stat. Ann. § 651-A:11-a [Victims Permitted to Speak at Parole Hearings.]</i></p> <p>The victim of any person seeking parole, or the victim's next of kin if the victim has died, shall have the right to appear at the parole hearing of such person, personally or by counsel, and to reasonably express his views concerning the offense and the person responsible.</p> <p><i>N.H. Rev. Stat. Ann. § 651-B:6 [Duration of Registration.]</i></p> |
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| | <p>....</p> <p>III.(b) Prior to granting any petition to remove an [sex] offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family, and permit those parties to be heard on the petition. Prior to any decision granting the application, the court shall provide the victim with the opportunity to address the court. The victim may appear personally, or by counsel, or may provide a written statement to reasonably express his or her views concerning the offense, the person responsible, and the need for maintaining the registration requirement. The judge shall consider the statements of the victim pursuant to this section when making a decision regarding the application. The judge shall grant the application, after a hearing, only where, in the opinion of the court, removal from the registration requirements will assist the individual in the individual's rehabilitation and will be consistent with the public welfare.</p> <p>....</p> <p>V.(b) Prior to granting any petition to relieve an offender from the registration requirements under this chapter, the court shall hold a hearing on the petition. The court shall provide notice of the hearing at least 60 days prior to the hearing to the county attorney, the department of safety sex offender unit, and the department of corrections. The county attorney shall use reasonable efforts to notify the victim or victim's family. The court shall permit those parties to be heard on the petition. The victim may appear personally, or through a representative, or may provide a written statement expressing his or her views concerning the offense, the person responsible, and the need for maintaining the registration requirement. The judge shall consider the statements of the victim when making a decision regarding the petition.</p> <p>....</p> <p><i>N.H. Rev. Stat. Ann. § 651-B:10 [Hearing.]</i></p> <p>....</p> <p>III. Any individual required to be registered [as a sex offender] as a result of any violation or attempted violation of RSA 632-A:3, II in effect prior to January 1, 2009, or RSA 632-A:2, III if the acts constituting the pattern were in violation of RSA 632-A:3, II in effect prior to January 1, 2009, provided that the age difference between the individual required to register and the victim was less than 4 years at the time of the offense and the person has no other adjudications requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the registration requirement. No application shall be granted without a hearing, during which the prosecuting attorney and the victim or victim's family shall have an opportunity to be heard. Notice of the hearing shall be provided no less than 30 days prior to the hearing. The victim may appear personally or through a representative, and may reasonably express his or her</p> |
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| | <p>views concerning the offense, the offender, and the need for continuing the registration requirement. If the court denies the application, the offender shall not file another application for 5 years from the date of the denial.</p> <p>....</p> <p><i>N.H. Rev. Stat. Ann. § 632-A:10-a [Penalties.]</i></p> <p>....</p> <p>V. (c) Prior to granting any petition [for release from lifetime supervision] pursuant to subparagraph V(b), the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.</p> <p>....</p> <p><i>N.H. Rev. Stat. Ann. § 651-A:12 [Reduction of Maximum Sentence While on Parole.]</i></p> <p>Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his or her sentence equal to $\frac{1}{3}$ of the period of time during which the parolee is at liberty on said permit, provided that in making such a decision, the parole board shall consider the conduct of the parolee while under supervision, the seriousness of the offense, the amount of restitution owed, and any information provided by the victim. The parolee may be granted a discharge at the expiration of his or her maximum sentence less deductions provided for in this chapter.</p> |
| New Jersey | <p><i>N.J. Const. art. I, ¶ 22 [Rights of victims of crimes]</i></p> <p>22. A victim of a crime shall be treated with fairness, compassion and respect by the criminal justice system. A victim of a crime shall not be denied the right to be present at public judicial proceedings except when, prior to completing testimony as a witness, the victim is properly sequestered in accordance with law or the Rules Governing the Courts of the State of New Jersey. A victim of a crime shall be entitled to those rights and remedies as may be provided by the Legislature. For the purposes of this paragraph, "victim of a crime" means: a) a person who has suffered physical or psychological injury or has incurred loss of or damage to personal or real property as a result of a crime or an incident involving another person operating a motor vehicle while under the influence of drugs or alcohol, and b) the spouse, parent, legal guardian, grandparent, child or sibling of the decedent in the case of a criminal homicide.</p> |

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| | <p><i>N.J. Stat. Ann. § 52:4B-36 [Rights of crime victims and witnesses]</i></p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to the following rights:</p> <p>....</p> <p>n. To make, prior to sentencing, an in-person statement directly to the sentencing court concerning the impact of the crime.</p> <p>This statement is to be made in addition to the statement permitted for inclusion in the presentence report by N.J.S.2C:44-6;</p> <p>....</p> <p><i>N.J. Stat. Ann. § 52:4B-36.1 [Victim's survivors in homicide prosecutions; court discretion to permit images and videos of the victim during proceedings]</i></p> <p>Pursuant to Article I, paragraph 22 of the New Jersey Constitution, in any homicide prosecution:</p> <p>a. A victim's survivor may, at the time of making the in-person statement to the sentencing court authorized by subsection n. of section 3 of P.L.1985, c. 249 (C.52:4B-36), display directly to the sentencing court a photograph of the victim taken before the homicide including, but not limited to, a still photograph, a computer-generated presentation, or a video presentation of the victim. The time, length and content of such presentation shall be within the sound discretion of the sentencing judge; and</p> <p>b. A victim's survivor may, during any judicial proceeding involving the defendant, wear a button not exceeding four inches in diameter that contains a picture of the victim, if the court determines that the wearing of such button will not deprive the defendant of his right to a fair trial under the Sixth Amendment of the United States Constitution and Article I of the New Jersey Constitution. Other spectators at such judicial proceedings may also wear similar buttons if the court so determines. If the victim's survivor seeks to wear the button at trial, the victim's survivor shall give notice to the defendant and to the court no less than 30 days prior to the final trial date.</p> <p><i>N.J. Stat. Ann. § 39:4-50.11 [Victims' rights]</i></p> <p>Victims [of violations of motor vehicle and traffic laws] shall have the right to:</p> <p>....</p> <p>g. Submit to the court adjudicating the offense a written or oral statement to be considered in deciding upon sentencing and probation terms. This statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the effect of the offense upon the victim's family.</p> <p>....</p> |
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| | <p><i>N.J. Stat. Ann. § 30:4-123.54 [Preparole report]</i></p> <p>....</p> <p>(2) At the time of sentencing, the prosecutor shall notify any victim injured as a result of a crime of the first or second degree or the nearest relative of a murder victim of the opportunity to present a written or videotaped statement for the parole report to be considered at the parole hearing or to testify to the parole board concerning his harm at the time of the parole hearing. Each victim or relative shall be responsible for notifying the board of his intention to submit such a statement and to provide an appropriate mailing address.</p> <p>The report may include a written or videotaped statement concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family. At the time public notice is given that an inmate is being considered for parole pursuant to this section, the board shall also notify any victim or nearest relative who has previously contacted the board of the availability to provide a written or videotaped statement for inclusion in the parole report or to present testimony at the parole hearing.</p> <p>....</p> <p><i>N.J. Stat. Ann. § 2C:44-6 [Procedure on sentence; presentence investigation and report]</i></p> <p>....</p> <p>(b) The presentence report shall also include a report on any compensation paid by the Victims of Crime Compensation Agency as a result of the commission of the offense and, in any case where the victim chooses to provide one, a statement by the victim of the offense for which the defendant is being sentenced. The statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss to include loss of earnings or ability to work suffered by the victim and the effect of the crime upon the victim's family. The probation department shall notify the victim or nearest relative of a homicide victim of his right to make a statement for inclusion in the presentence report if the victim or relative so desires. Any such statement shall be made within 20 days of notification by the probation department.</p> <p><i>N.J. Stat. Ann. § 2C:43-11 [Conduct precluding admission to intensive supervision programs; objections to admission]</i></p> <p>....</p> <p>d. A victim of the offense for which the inmate was sentenced shall have the right to make a written statement or to appear at a proceeding regarding the application for a change of custodial sentence imposed pursuant to</p> |
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| | <p>Chapter 43, 44 or 45 of Title 2C for entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey.</p> <p><i>N.J. Stat. Ann. § 52:4B-44 [Standards to ensure rights of crime victims]</i></p> <p>....</p> <p>b. The standards shall require that the Office of Victim-Witness Advocacy in the Division of Criminal Justice and each county prosecutor's office provide the following services upon request for victims and witnesses involved in the prosecution of a case:</p> <p>....</p> <p>(16) Advice to victims about their right to make a statement about the impact of the crime for inclusion in the presentence report or at time of parole consideration, if applicable;</p> <p>(17) Notification to victims of the right to make an in-person statement, prior to sentencing, directly to the sentencing court concerning the impact of the crime;</p> <p>....</p> |
| New Mexico | <p><i>N.M. Const. art. II, § 24 [Rights of crime victims]</i></p> <p>A. A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration, criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim's representative shall have the following rights as provided by law:</p> <p>....</p> <p>(7) the right to make a statement to the court at sentencing and at any post-sentencing hearings for the accused;</p> <p>....</p> <p><i>N.M. Stat. Ann. § 31-26-4 [Victim's rights]</i></p> <p>A victim shall have the right to:</p> <p>....</p> <p>G. make a statement to the court at sentencing and at any post-sentencing hearings for the accused;</p> <p>....</p> <p><i>N.M. Stat. Ann. § 31-21-25 [Powers and duties of the board]</i></p> |

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| | <p>....</p> <p>E. When the parole board conducts a parole hearing for an offender, and upon request of the victim or family member the board shall allow the victim of the offender’s crime or a family member of the victim to be present during the parole hearing. If the victim or a family member of the victim requests an opportunity to speak to the board during the hearing in public or private, the board shall grant that request. As used in this subsection, “family member of the victim” means a mother, father, sister, brother, child or spouse of the victim or a person who has custody of the victim.</p> <p><i>N.M. Magis. Ct. R. Crim. P. 6-113 [Victim’s Rights]</i></p> <p>....</p> <p>B. At any scheduled court proceeding, the court shall inquire whether any victim entitled to notice of the proceeding, under Article II, Section 24, is present. If the victim is present, the court shall ascertain that the victim has been informed of the right to</p> <p>(7) make a statement to the court at sentencing and at any post-sentencing hearings for the accused;</p> <p>....</p> |
| New York | <p><i>N.Y. Crim. Proc. Law § 380.50 [Statements at time of sentence]</i></p> <p>....</p> <p>2. (a) For purposes of this section “victim” shall mean:</p> <p>(1) the victim as indicated in the accusatory instrument; or</p> <p>(2) if such victim is unable or unwilling to express himself or herself before the court or a person so mentally or physically disabled as to make it impracticable to appear in court in person or the victim is deceased, a member of the family of such victim, or the legal guardian or representative of the legal guardian of the victim where such guardian or representative has personal knowledge of and a relationship with the victim, unless the court finds that it would be inappropriate for such person to make a statement on behalf of the victim.</p> <p>(b) If the defendant is being sentenced for a felony the court, if requested at least ten days prior to the sentencing date, shall accord the victim the right to make a statement with regard to any matter relevant to the question of sentence. The court shall notify the defendant no less than seven days prior to sentencing of the victim’s intent to make a statement at sentencing. If the defendant does not receive timely notice pursuant to this subdivision, the defendant may request a reasonable adjournment.</p> |

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| | <p>(c) Any statement by the victim must precede any statement by counsel to the defendant or the defendant made pursuant to subdivision one of this section. The defendant shall have the right to rebut any statement made by the victim.</p> <p>....</p> <p><i>N.Y. Exec. Law § 647 [Criteria]</i></p> <p>Fair treatment standards for crime victims in the courts shall provide that:</p> <p>1. The court shall consider the views of the victim of a violent felony offense, a felony involving physical injury to the victim, a felony involving property loss or damage in excess of two hundred fifty dollars, a felony involving attempted or threatened physical injury or property loss or damage in excess of two hundred fifty dollars or a felony involving larceny against the person, or of the family of a homicide victim or minor child, regarding discretionary decisions relating to the criminal case, including, but not limited to, plea agreements and sentence. In addition, the court shall consider the views of the victim or family of the victim, as appropriate, concerning the release of the defendant in the victim's case pending judicial proceedings upon an indictment, and concerning the availability of sentencing alternatives such as community supervision and restitution from the defendant. The failure of the court to consider the views of the victim or family of the victim shall not be cause for delaying the proceedings against the defendant nor shall it affect the validity of a conviction, judgment or order.</p> <p>....</p> <p><i>N.Y. Crim. Proc. Law § 390.30 [Scope of pre-sentence investigation and report]</i></p> <p>....</p> <p>3. The report and victim impact statement. (a) The report of the pre-sentence investigation must contain an analysis of as much of the information gathered in the investigation as the agency that conducted the investigation deems relevant to the question of sentence. The report must also include any other information¹ that the court directs to be included and the material required by paragraph (b) of this subdivision which shall be considered part of the report.</p> <p>(b) The report shall also contain a victim impact statement, unless it appears that such information would be of no relevance to the recommendation or court disposition, which shall include an analysis of the victim's version of the offense, the extent of injury or economic loss and the actual out-of-pocket loss to the victim and the views of the victim relating to disposition including the amount of restitution and reparation sought by the victim after the victim has been informed of the right to seek restitution and reparation, subject to the availability of such information. In the case of a homicide or where the victim is unable to assist in the preparation of the victim</p> |
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| | <p>impact statement, the information may be acquired from the victim’s family. The victim impact statement shall be made available to the victim by the prosecutor pursuant to subdivision two of section 390.50 of this article. Nothing contained in this section shall be interpreted to require that a victim supply information for the preparation of this report.</p> <p>....</p> <p><i>N.Y. Crim. Proc. Law § 440.50 [Notice to crime victims of case disposition]</i></p> <p>1. Upon the request of a victim of a crime, or in any event in all cases in which the final disposition includes a conviction of a violent felony offense as defined in section 70.02 of the penal law, a felony defined in article one hundred twenty-five of such law, or a felony defined in article one hundred thirty of such law, the district attorney shall, within sixty days of the final disposition of the case, inform the victim by letter of such final disposition. If such final disposition results in the commitment of the defendant to the custody of the department of corrections and community supervision for an indeterminate sentence, the notice provided to the crime victim shall also inform the victim of his or her right to submit a written, audiotaped, or videotaped victim impact statement to the department of corrections and community supervision or to meet personally with a member of the state board of parole at a time and place separate from the personal interview between a member or members of the board and the inmate and make such a statement, subject to procedures and limitations contained in rules of the board, both pursuant to subdivision two of section two hundred fifty-nine-i of the executive law. A copy of such letter shall be provided to the board of parole. The right of the victim under this subdivision to submit a written victim impact statement or to meet personally with a member of the state board of parole applies to each personal interview between a member or members of the board and the inmate.</p> <p>2. As used in this section, “victim” means any person alleged or found, upon the record, to have sustained physical or financial injury to person or property as a direct result of the crime charged or a person alleged or found to have sustained, upon the record, an offense under article one hundred thirty of the penal law, or in the case of a homicide or minor child, the victim’s family.</p> <p>3. As used in this section, “final disposition” means an ultimate termination of the case at the trial level including, but not limited to, dismissal, acquittal, or imposition of sentence by the court, or a decision by the district attorney, for whatever reason, to not file the case.</p> <p><i>N.Y. Exec. Law § 259-i [Procedures for the conduct of the work of the state board of parole]</i></p> <p>....</p> <p>2(c)(A) Discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined but after considering if there is a reasonable probability that, if such inmate</p> |
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| | <p>is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for law. In making the parole release decision, the procedures adopted pursuant to subdivision four of section two hundred fifty-nine-c of this article shall require that the following be considered: (v) any current or prior statement made to the board by the crime victim or the victim's representative, where the crime victim is deceased or is mentally or physically incapacitated; The board shall provide toll free telephone access for crime victims. In the case of an oral statement made in accordance with subdivision one of section 440.50 of the criminal procedure law, the parole board member shall present a written report of the statement to the parole board. A crime victim's representative shall mean the crime victim's closest surviving relative, the committee or guardian of such person, or the legal representative of any such person. Such statement submitted by the victim or victim's representative may include information concerning threatening or intimidating conduct toward the victim, the victim's representative, or the victim's family, made by the person sentenced and occurring after the sentencing. Such information may include, but need not be limited to, the threatening or intimidating conduct of any other person who or which is directed by the person sentenced. Any statement by a victim or the victim's representative made to the board shall be maintained by the department in the file provided to the board when interviewing the inmate in consideration of release. A victim or victim's representative who has submitted a written request to the department for the transcript of such interview shall be provided such transcript as soon as it becomes available. (B) Where a crime victim or victim's representative as defined in subparagraph (A) of this paragraph, or other person submits to the parole board a written statement concerning the release of an inmate, the parole board shall keep that individual's name and address confidential.</p> <p>....</p> <p><i>N.Y. Exec. Law § 259-s [Release on medical parole for inmates suffering significant debilitating illnesses]</i></p> <p>1. (a) The board shall have the power to release on medical parole any inmate serving an indeterminate or determinate sentence of imprisonment who, pursuant to subdivision two of this section, has been certified to be suffering from a significant and permanent non-terminal condition, disease or syndrome that has rendered the inmate so physically or cognitively debilitated or incapacitated as to create a reasonable probability that he or she does not present any danger to society, provided, however, that no inmate serving a sentence imposed upon a conviction for murder in the first degree or an attempt or conspiracy to commit murder in the first degree shall be eligible for such release, and provided further that no inmate serving a sentence imposed upon a conviction for any of the following offenses shall be eligible for such release unless in the case of an indeterminate sentence he or she has served at least one-half of the minimum period of the sentence and in the case of a determinate sentence he or she has served at least one-half of the term of his or her determinate sentence: murder in the second</p> |
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| | <p>degree, manslaughter in the first degree, any offense defined in article one hundred thirty of the penal law or an attempt to commit any of these offenses. Solely for the purpose of determining medical parole eligibility pursuant to this section, such one-half of the minimum period of the indeterminate sentence and one-half of the term of the determinate sentence shall not be credited with any time served under the jurisdiction of the department prior to the commencement of such sentence pursuant to the opening paragraph of subdivision one of section 70.30 of the penal law or subdivision two-a of section 70.30 of the penal law, except to the extent authorized by subdivision three of section 70.30 of the penal law.</p> <p>(b) Such release shall be granted only after the board considers whether, in light of the inmate's medical condition, there is a reasonable probability that the inmate, if released, will live and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society and will not so deprecate the seriousness of the crime as to undermine respect for the law, and shall be subject to the limits and conditions specified in subdivision four of this section. In making this determination, the board shall consider: (vi) the recommendations of the sentencing court, the district attorney and the victim or the victim's representative; Except as set forth in paragraph (a) of this subdivision, such release may be granted at any time during the term of an inmate's sentence, notwithstanding any other provision of law.</p> <p>....</p> <p><i>N.Y. Correct. Law § 168-d [Duties of the court]</i></p> <p>....</p> <p>3. For sex offenders released on probation or discharged upon payment of a fine, conditional discharge or unconditional discharge, it shall be the duty of the court applying the guidelines established in subdivision five of section one hundred sixty-eight-l of this article to determine the level of notification pursuant to subdivision six of section one hundred sixty-eight-l of this article and whether such sex offender shall be designated a sexual predator, sexually violent offender, or predicate sex offender as defined in subdivision seven of section one hundred sixty-eight-a of this article. At least fifteen days prior to the determination proceeding, the district attorney shall provide to the court and the sex offender a written statement setting forth the determinations sought by the district attorney together with the reasons for seeking such determinations. The court shall allow the sex offender to appear and be heard. The state shall appear by the district attorney, or his or her designee, who shall bear the burden of proving the facts supporting the determinations sought by clear and convincing evidence. Where there is a dispute between the parties concerning the determinations, the court shall adjourn the hearing as necessary to permit the sex offender or the district attorney to obtain materials relevant to the determinations from any state or local facility, hospital, institution, office, agency, department or division. Such materials may be obtained by subpoena if not voluntarily provided to the requesting party. In making the determinations, the court</p> |
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| | <p>shall review any victim’s statement and any relevant materials and evidence submitted by the sex offender and the district attorney and the court may consider reliable hearsay evidence submitted by either party provided that it is relevant to the determinations. Facts previously proven at trial or elicited at the time of entry of a plea of guilty shall be deemed established by clear and convincing evidence and shall not be relitigated. The court shall render an order setting forth its determinations and the findings of fact and conclusions of law on which the determinations are based. A copy of the order shall be submitted by the court to the division. Upon application of either party, the court shall seal any portion of the court file or record which contains material that is confidential under any state or federal statute. Either party may appeal as of right from the order pursuant to the provisions of articles fifty-five, fifty-six and fifty-seven of the civil practice law and rules. Where counsel has been assigned to represent the sex offender upon the ground that the sex offender is financially unable to retain counsel, that assignment shall be continued throughout the pendency of the appeal, and the person may appeal as a poor person pursuant to article eighteen-B of the county law.</p> <p>....</p> |
| North Carolina | <p><i>N.C. Const. art. I, § 37 [Rights of victims of crime]</i></p> <p>(1) Basic rights. Victims of crime, as prescribed by law, shall be entitled to the following basic rights:</p> <p>....</p> <p>(b) The right to be heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.</p> <p>....</p> <p><i>N.C. Gen. Stat. Ann. § 15A-825 [Treatment due victims and witnesses]</i></p> <p>To the extent reasonably possible and subject to available resources, the employees of law-enforcement agencies, the prosecutorial system, the judicial system, and the correctional system should make a reasonable effort to assure that each victim and witness within their jurisdiction:</p> <p>....</p> <p>(9) Has a victim impact statement prepared for consideration by the court.</p> <p>....</p> <p><i>N.C. Gen. Stat. Ann. § 15A-838 [Notice of commuted sentence or pardon]</i></p> <p>The Governor’s Clemency Office shall notify a victim when it is considering commuting the defendant’s sentence or pardoning the defendant. The Governor’s Clemency Office shall also give notice that the victim has the right to</p> |

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| | <p>present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon decision.</p> <p><i>N.C. Gen. Stat. Ann. § 15A-1467 [Claims of innocence; waiver of convicted person's procedural safeguards and privileges; formal inquiry; notification of the crime victim]</i></p> <p>....</p> <p>(c) If a formal inquiry regarding a claim of factual innocence is granted, the Director shall use all due diligence to notify the victim in the case and explain the inquiry process. The Commission shall give the victim notice that the victim has the right to present his or her views and concerns throughout the Commission's investigation.</p> <p>....</p> <p><i>N.C. Gen. Stat. Ann. § 15A-145.4 (Expunction of records for first offenders who are under 18 years of age at the time of the commission of a nonviolent felony)</i></p> <p>....</p> <p>(d) The court in which the petition was filed shall take the following steps and shall consider the following issues in rendering a decision upon a petition for expunction of records of a nonviolent felony under this section:</p> <p>....</p> <p>(4) Review any other information the court deems relevant, including, but not limited to, affidavits or other testimony provided by law enforcement officers, district attorneys, and victims of nonviolent felonies committed by the petitioner.</p> <p>....</p> <p><i>N.C. Gen. Stat. Ann. § 15A-145.5 (Expunction of certain misdemeanors and felonies; no age limitation)</i></p> <p>....</p> <p>The presiding judge is authorized to call upon a probation officer for any additional investigation or verification of the petitioner's conduct since the conviction. The court shall review any other information the court deems relevant, including, but not limited to, affidavits or other testimony provided by law enforcement officers, district attorneys, and victims of crimes committed by the petitioner.</p> <p>....</p> <p><i>N.C. Gen. Stat. Ann. § 15A-1341 [Probation generally]</i></p> |
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| | <p>....</p> <p>(a4) Conditional Discharge.--Whenever a person pleads guilty to or is found guilty of a Class H or I felony or a misdemeanor, the court may, on joint motion of the defendant and the prosecutor, and without entering a judgment of guilt and with the consent of the person, defer further proceedings and place the person on probation as provided in this Article for the purpose of allowing the defendant to demonstrate the defendant's good conduct if the court finds each of the following facts:</p> <p>(1) Each known victim of the crime has been notified of the motion for probation by subpoena or certified mail and has been given an opportunity to be heard.</p> <p>(2) The defendant has not been convicted of any felony or of any misdemeanor involving moral turpitude.</p> <p>(3) The defendant has not previously been placed on probation and so states under oath.</p> <p>(4) The defendant is unlikely to commit another offense other than a Class 3 misdemeanor.</p> <p>....</p> <p><i>N.C. Gen. Stat. Ann. § 15A-1369.3 [Procedure for medical release]</i></p> <p>....</p> <p>(d) The Commission shall make a determination of whether to grant medical release within 15 days of receiving a referral from the Department for release of a terminally ill inmate and within 20 days of receiving a referral from the Department for release of a permanently and totally disabled inmate or a geriatric inmate. In making the determination, the Commission shall make an independent assessment of the risk for violence and recidivism that the inmate poses to society. The Commission also shall provide the victim or victims of the inmate or the victims' family or families with an opportunity to be heard.</p> <p>....</p> <p><i>N.C. Gen. Stat. Ann. § 15A-1371 [Parole eligibility, consideration, and refusal]</i></p> <p>....</p> <p>(b)(3) Whenever the Post-Release Supervision and Parole Commission will be considering for parole a prisoner serving a sentence of life imprisonment the Commission must notify, at least 30 days in advance of considering the parole, by first class mail at the last known address:</p> <p>....</p> <p>(d) Any of the victim's immediate family members who have requested in writing to be notified; and</p> <p>....</p> <p>The Post-Release Supervision and Parole Commission must consider any information provided by any such parties before consideration of parole. The Commission must also give the district attorney, the head of the law</p> |
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| | <p>enforcement agency who has requested in writing to be notified, the victim, any member of the victim's immediate family who has requested to be notified, and as many newspapers of general circulation and other media in the county or counties designated in sub-subdivision f. of this section as reasonable, written notice of its decision within 10 days of that decision. The Commission may elect to use electronic means rather than the mail to notify the media under this paragraph if such notification would be more timely and cost-effective. The Parole Commission shall not, however, include the name of any victim in its notification to the newspapers and other media.</p> <p>....</p> |
| North Dakota | <p><i>N.D. Const. art. I, § 25</i></p> <p>1. To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, and to ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than the protections afforded to criminal defendants and delinquent children, all victims shall be entitled to the following rights, beginning at the time of their victimization:</p> <p>....</p> <p>i. The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition, or parole, and any proceeding during which a right of the victim is implicated.</p> <p>....</p> <p>k. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence or disposition investigation or compiling any presentence investigation report or recommendation regarding, and to have any such information considered in any sentencing or disposition recommendations.</p> <p>....</p> <p>q. The right, upon request, to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole authority shall extend the right to be heard to any person harmed by the offender.</p> <p>r. The right, upon request, to be informed in a timely manner of any pardon, commutation, reprieve, or expungement procedures, to provide information to the governor, the court, any pardon board, and other authority in these procedures, and to have that information considered before a decision is made, and to be notified of such decision in advance of any release of the offender.</p> |

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| | <p>....</p> <p><i>N.D. Cent. Code Ann. § 12.1-34-02 [Fair treatment standards for victims and witnesses]</i></p> <p>Victims and witnesses of crime must be afforded the following rights where applicable:</p> <p>....</p> <p>15. Victim impact statement. The victim must be informed by the prosecuting attorney, prior to sentencing, of the victim's right to submit or make a written impact statement to the court in any criminal case. If a presentence investigation is ordered, the probation officer assigned the report shall include this information in the report. This statement may include an explanation by the victim of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim; an explanation of the extent of any economic loss or property damage suffered by the victim; an opinion of the need for and extent of restitution; and the victim's recommendation for an appropriate sentence. The prosecuting attorney shall advise all victims that the presentence report is subject to review by the defendant and that the report will include the victim's statement. If the sentencing court does not order a presentence investigation, the victim may submit a written impact statement, under oath, to the office of the state's attorney which statement must be submitted to the sentencing court. The victim of violent crime may appear in court to make an oral crime impact statement at the sentencing of the defendant in appropriate circumstances at the discretion of the judge. This oral statement must be made under oath and is subject to cross-examination.</p> <p>....</p> <p>18. Participation in parole board and pardon decision. Victims may submit a written statement for consideration by the parole board, the governor, or the pardon advisory board, if one has been appointed, prior to the parole board, the governor, or the pardon advisory board taking any action on a defendant's request for parole or pardon. A victim statement made under this subsection is a confidential record and may be disclosed only to the parole board, the governor, the pardon advisory board, or their authorized representative. Victims of violent crimes may at the discretion of the parole board, the governor, or the pardon advisory board personally appear and address the parole board, the governor, or the pardon advisory board. Victim testimony and written statements under this subsection are confidential and may be disclosed only to the parole board, the governor, the pardon advisory board, or their authorized representative. Notice must be given by the parole board or pardon clerk informing the registered victim of the pending review. The registered victim must be provided notice of the decision of the parole board or of the governor and the recommendations of the pardon advisory board, if any, and, if applicable, notice of the date of the prisoner's release on parole or the prisoner's pardon, conditional pardon, reprieve, commutation, or remission of fine. Notice must be given within a reasonable time after the parole board or the governor makes a decision but in any event before the parolee's or pardoned prisoner's release from custody.</p> |
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| | <p><i>N.D. R. Crim. P. 32 [Sentencing and Judgment]</i></p> <p>....</p> <p>(c) Presentence Investigation.</p> <p>....</p> <p>(3) <i>Report.</i></p> <p>....</p> <p>(B) Information Excluded From Report. The following types of information may not be included in a presentence report, but may be submitted to the court as an addendum to the report:</p> <p>....</p> <p>(iii) any sentence recommendation by parole and probation staff or the victim;</p> <p>(iv) any victim impact statement; or</p> <p>(v) any other information, including medical, psychiatric, or psychological information, information relating to the victim or victims, and other matters the court may consider confidential, that if disclosed, might result in harm, physical or otherwise, to the defendant, to a victim, or to other persons.</p> <p>(4) <i>Disclosure of Presentence Report.</i></p> <p>(A) Confidentiality. The presentence report and any addendum are confidential. Neither the public nor the parties may read or copy the presentence report or any addendum, unless the court, in its discretion, gives permission.</p> <p>....</p> <p>(D) Disclosure to Department of Corrections and Rehabilitation. The presentence report and any addendum is available to the Department of Corrections and Rehabilitation for use in providing assessment and treatment services to the person when in the Department's custody, on parole from the Department, or under the supervision and management of the Department. The Department may share the presentence report and any addendum with a public treatment or transition facility or licensed private treatment or transition facility providing assessment and treatment services to the person when in the Department's custody, on parole from the Department, or under the supervision and management of the Department. The Department may share the presentence report and any addendum with the compact administrator of a supervising state in accordance with the Interstate Compact for Adult Offender Supervision, N.D.C.C. ch. 12-65. A presentence report and any addendum disclosed under this provision must remain confidential and may not be read or copied by anyone else except as allowed by Rule 32(c) or federal law.</p> <p>....</p> <p><i>N.D. R. Crim. P. 32.2 [Pretrial Diversion]</i></p> |
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| | <p>(a) Agreements Permitted.</p> <p>(1) <i>Generally</i>. After due consideration of the victim’s views and subject to the court’s approval, the prosecuting attorney and the defendant may agree that the prosecution will be suspended for a specified period after which it will be dismissed under Rule 32.2(f) on condition that the defendant not commit a felony, misdemeanor or infraction during the period. The agreement must be in writing and signed by the parties. It must state that the defendant waives the right to a speedy trial. It may include stipulations concerning the existence of specified facts or the admissibility into evidence of specified testimony, evidence, or depositions if the suspension of prosecution is terminated and there is a trial on the charge.</p> <p>(2) <i>Additional Conditions</i>. Subject to the court’s approval after due consideration of the victim’s views and upon a showing of substantial likelihood that a conviction could be obtained and that the benefits to society from rehabilitation outweigh any harm to society from suspending criminal prosecution, the agreement may specify additional conditions to be observed by the defendant during the period, including:</p> <p>(A) that the defendant not engage in specified activities, conduct, and associations;</p> <p>(B) that the defendant participate in, and if appropriate successfully complete, a rehabilitation program, which may include treatment, counseling, training, and education;</p> <p>(C) that the defendant make restitution in a specified manner for harm or loss caused by the crime charged;</p> <p>(D) that the defendant pay specified fees or costs;</p> <p>(E) that the defendant perform specified community service.</p> <p>....</p> <p>(h) Pre-Charge Diversion. This rule does not preclude the prosecuting attorney and defendant from agreeing to diversion of a case without court approval if charges are not pending before the court.</p> <p><i>N.D. Cent. Code Ann. § 12.1-32-13.1 [Juveniles--Sentencing—Reduction]</i></p> <p>1. Notwithstanding any other provision of law, a court may reduce a term of imprisonment imposed upon a defendant convicted as an adult for an offense committed and completed before the defendant was eighteen years of age if:</p> <p>a. The defendant has served at least twenty years in custody for the offense;</p> <p>b. The defendant filed a motion for reduction in sentence; and</p> <p>c. The court has considered the factors provided in this section and determined the defendant is not a danger to the safety of any other individual, and the interests of justice warrant a sentence modification.</p> <p>....</p> <p>3. When determining whether to reduce a term of imprisonment under this section, the court shall consider:</p> <p>....</p> |
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| | <p>f. A statement by a victim or a family member of a victim who was impacted by the actions of the defendant;</p> <p><i>N.D. R. Juv. P. 4 [Interested Persons]</i> Persons who may participate in a juvenile matter include:</p> <p>(3) the victim to the extent required by N.D. Const. Art. I, § 25 in a delinquency case, if requested by the victim;</p> |
| Ohio | <p><i>Ohio Const. art. I, § 10a [Rights of victims of crimes]</i> (A) To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:</p> <p>(3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;</p> <p><i>Ohio Rev. Code Ann. § 2930.13 [Victim impact statement; presentence investigation report]</i> (A) If the court orders the preparation of a victim impact statement pursuant to division (D)(1) of section 2152.19 or section 2947.051 of the Revised Code, the victim in the case may make a written or oral statement regarding the impact of the crime or specified delinquent act to the person whom the court orders to prepare the victim impact statement. A statement made by the victim under this section shall be included in the victim impact statement. (B) If a probation officer or other person is preparing a presentence investigation report pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2, or a disposition investigation report pursuant to section 2152.18 of the Revised Code, concerning the defendant or alleged juvenile offender in the case, the victim may make a written or oral statement regarding the impact of the crime or specified delinquent act to the probation officer or other person. The probation officer or other person shall use the statement in preparing the presentence investigation report or disposition investigation report and, upon the victim's request, shall include a written statement submitted by the victim in the presentence investigation report or disposition investigation report.</p> |

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| | <p>(C) A statement made by the victim under division (A) or (B) of this section may include the following:</p> <ol style="list-style-type: none"> (1) An explanation of the nature and extent of any physical, psychological, or emotional harm suffered by the victim as a result of the crime or specified delinquent act that is the basis of the case; (2) An explanation of the extent of any property damage or other economic loss suffered by the victim as a result of that crime or specified delinquent act; (3) An opinion regarding the extent to which, if any, the victim needs restitution for harm caused by the defendant or alleged juvenile offender as a result of that crime or specified delinquent act and information about whether the victim has applied for or received any compensation for loss or damage caused by that crime or specified delinquent act; (4) The victim's recommendation for an appropriate sanction or disposition for the defendant or alleged juvenile offender regarding that crime or specified delinquent act. <p>(D) If a statement made by a victim under division (A) of this section is included in a victim impact statement, the provision, receipt, and retention of copies of, the use of, and the confidentiality, nonpublic record character, and sealing of the victim impact statement is governed by division (B)(2) of section 2152.20 or by division (C) of section 2947.051 of the Revised Code, as appropriate. If a statement made by a victim under division (B) of this section is included in a presentence investigation report prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or in a disposition investigation report pursuant to division (C)(1) of section 2152.18 of the Revised Code, the provision, receipt, and retention of copies of, the use of, and the confidentiality, nonpublic record character, and sealing of the presentence investigation report or disposition investigation report that contains the victim's statement is governed by section 2951.03 of the Revised Code.</p> <p><i>Ohio Rev. Code Ann. § 2930.14 [Statement by victim prior to sentencing of defendant or disposition of alleged juvenile offender]</i></p> <p>(A) Before imposing sentence upon, or entering an order of disposition for, a defendant or alleged juvenile offender for the commission of a crime or specified delinquent act, the court shall permit the victim of the crime or specified delinquent act to make a statement. The court may give copies of any written statement made by a victim to the defendant or alleged juvenile offender and defendant's or alleged juvenile offender's counsel and may give any written statement made by the defendant or alleged juvenile offender to the victim and the prosecutor. The court may redact any information contained in a written statement that the court determines is not relevant to and will not be relied upon in the sentencing or disposition decision. The written statement of the victim or of the defendant or alleged juvenile offender is confidential and is not a public record as used in section 149.43 of the Revised Code. Any person to whom a copy of a written statement was released by the court shall return it to the court immediately following sentencing or disposition.</p> |
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| | <p>(B) The court shall consider a victim’s statement made under division (A) of this section along with other factors that the court is required to consider in imposing sentence or in determining the order of disposition. If the statement includes new material facts, the court shall not rely on the new material facts unless it continues the sentencing or dispositional proceeding or takes other appropriate action to allow the defendant or alleged juvenile offender an adequate opportunity to respond to the new material facts.</p> <p><i>Ohio Rev. Code Ann. § 2930.16 [Notice of incarceration or release of defendant or custody of alleged juvenile offender; rules; victim conference]</i></p> <p>....</p> <p>(C) Upon the victim’s request made at any time before the particular notice would be due or in accordance with division (D) of this section, the custodial agency of a defendant or alleged juvenile offender shall give the victim any of the following notices that is applicable:</p> <p>(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim’s right to submit a statement regarding the impact of the defendant’s release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim’s right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code;</p> <p>(2) At least sixty days before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim’s right under that section to submit a statement regarding the impact of the transfer;</p> <p>(3) At least sixty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim’s right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim’s right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;</p> <p>....</p> <p>(E) The adult parole authority shall adopt rules under Chapter 119. [sic] of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim’s immediate family, or the victim’s representative, prior to a parole hearing in the case of a prisoner who is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:</p> <p>....</p> |
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| | <p><i>Ohio Rev. Code Ann. § 2930.17 [Statement by victim prior to judicial release of defendant or alleged juvenile offender]</i></p> <p>(A) In determining whether to grant a judicial release to a defendant from a prison term pursuant to section 2929.20 of the Revised Code at a time before the defendant's stated prison term expires, in determining whether to grant a release to an offender from a prison term pursuant to section 2967.19 of the Revised Code at a time before the offender's stated prison term expires, or in determining whether to grant a judicial release or early release to an alleged juvenile offender from a commitment to the department of youth services pursuant to section 2151.38 of the Revised Code, the court shall permit a victim of a crime or specified delinquent act for which the defendant or alleged juvenile offender was incarcerated or committed to make a statement, in addition to any other statement made under this chapter, concerning the effects of that crime or specified delinquent act on the victim, the circumstances surrounding the crime or specified delinquent act, the manner in which the crime or specified delinquent act was perpetrated, and the victim's opinion whether the defendant or alleged juvenile offender should be released. The victim may make the statement in writing or orally, at the court's discretion. The court shall give the defendant or alleged juvenile offender and either the adult parole authority or the department of youth services, whichever is applicable, a copy of any written impact statement made by the victim under this division.</p> <p>(B) In deciding whether to grant a judicial release or early release to the defendant or alleged juvenile offender, the court shall consider a statement made by the victim under division (A) of this section or section 2930.14 or 2947.051 of the Revised Code.</p> <p><i>Ohio Rev. Code Ann. § 2929.19 [Sentencing hearing][version in effect as of October 29, 2018]</i></p> <p>(A) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.</p> <p>(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.</p> |
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| | <p>....</p> <p><i>Ohio Rev. Code Ann. § 2929.20 [Judicial release]</i></p> <p>....</p> <p>(I) At the hearing on a motion for judicial release under this section, the court shall afford the eligible offender and the eligible offender's attorney an opportunity to present written and, if present, oral information relevant to the motion. The court shall afford a similar opportunity to the prosecuting attorney, the victim or the victim's representative, and any other person the court determines is likely to present additional relevant information. The court shall consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.</p> <p><i>Ohio Rev. Code Ann. § 2967.12 [Notice of pendency of pardon, commutation, parole, termination or transfer of control; rights of crime victim or representative]</i></p> <p>....</p> <p>(B) If a request for notification has been made pursuant to section 2930.16 of the Revised Code or if division (H) of this section applies, the office of victim services or the adult parole authority also shall provide notice to the victim or the victim's representative at least sixty days prior to recommending any pardon or commutation of sentence for, or granting any parole to, the person. The notice shall include the information required by division (A) of this section and may be provided by telephone or through electronic means. The notice also shall inform the victim or the victim's representative that the victim or representative may send a written statement relative to the victimization and the pending action to the adult parole authority and that, if the authority receives any written statement prior to recommending a pardon or commutation or granting a parole for a person, the authority will consider the statement before it recommends a pardon or commutation or grants a parole. If the person is being considered for parole, the notice shall inform the victim or the victim's representative that a full board hearing of the parole board may be held and that the victim or victim's representative may contact the office of victims' services for further information. If the person being considered for parole was convicted of or pleaded guilty to a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the notice shall inform the victim of that offense, the victim's representative, or a member of the victim's immediate family that the victim, the victim's representative, and the victim's immediate family have the right to give testimony at a full board</p> |
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| | <p>hearing of the parole board and that the victim or victim's representative may contact the office of victims' services for further information.</p> <p>....</p> <p>(I) In addition to and independent of the right of a victim to make a statement as described in division (A) of this section or pursuant to section 2930.17 of the Revised Code or to otherwise make a statement, the authority for a judge or prosecuting attorney to furnish statements and information, make recommendations, and give testimony as described in division (A) of this section, the right of a prosecuting attorney, judge, or victim to give testimony or submit a statement at a full parole board hearing pursuant to section 5149.101 of the Revised Code, and any other right or duty of a person to present information or make a statement, any person may send to the adult parole authority at any time prior to the authority's recommending a pardon or commutation or granting a parole for the offender a written statement relative to the offense and the pending action.</p> <p>....</p> <p><i>Ohio Rev. Code Ann. § 2967.19 [80% release procedure]</i></p> <p>....</p> <p>(H) If the court schedules a hearing under this section, at the hearing, the court shall afford the offender and the offender's attorney an opportunity to present written information and, if present, oral information relevant to the offender's early release. The court shall afford a similar opportunity to the prosecuting attorney, victim or victim's representative, as defined in section 2930.01 of the Revised Code, and any other person the court determines is likely to present additional relevant information. If the court pursuant to division (G) of this section permits the offender to appear at the hearing by video conferencing equipment, the offender's opportunity to present oral information shall be as a part of the video conferencing. The court shall consider any statement of a victim made under section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared under section 2947.051 of the Revised Code, and any report and other documentation submitted by the director under division (D) of this section. After ruling on whether to grant the offender early release, the court shall notify the victim in accordance with sections 2930.03 and 2930.16 of the Revised Code.</p> <p>....</p> <p><i>Ohio Rev. Code Ann. § 5139.56 [Notification of victims regarding possible release or discharge of child; hearings]</i></p> <p>....</p> <p>(B) If a victim or victim's representative has requested notice of release reviews, pending release hearings, supervised release revocation hearings, and discharge reviews related to a child, of the placement of the child on</p> |
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| | <p>supervised release, and of the discharge of the child, the release authority shall give that person notice of a release review, release hearing, or discharge review at least thirty days prior to the date of the review or hearing. The notice shall specify the date, time, and place of the review or hearing, the right of the victim or victim's representative to make an oral or written statement addressing the impact of the offense or delinquent act upon the victim or oral or written comments regarding the possible release or discharge, and, if the notice pertains to a hearing, the right to attend, and make the statements or comments at the hearing. Upon receiving notice that a release hearing is scheduled, a victim or victim's representative who intends to attend the release hearing, at least two days prior to the hearing, shall notify the release authority of the victim's or representative's intention to be present at the release hearing so that the release authority may ensure appropriate accommodations and security. If the child is placed on supervised release or is discharged, the release authority shall provide notice of the release or discharge to the victim or victim's representative in accordance with division (F) of section 5139.51 of the Revised Code. If the child is on supervised release, if a court has scheduled a hearing pursuant to division (F) of section 5139.52 of the Revised Code to consider the revocation of the supervised release, and if the release authority has been informed of the hearing, the release authority promptly shall notify the victim or victim's representative of the date, time, and place of the hearing.</p> <p>(C) If a victim or victim's representative has requested notice of release reviews, pending release hearings, supervised release revocation hearings, and discharge reviews related to a child, of the placement of the child on supervised release, and of the discharge of the child, and if a release review, release hearing, or discharge review is scheduled or pending, the release authority shall give that person an opportunity to provide a written statement or communicate orally with a representative of the release authority regarding the possible release or discharge or to make oral or written comments regarding the possible release or discharge to a representative of the release authority, regardless of whether the victim or victim's representative is present at a hearing on the matter. If a victim or victim's representative is present at a release hearing, the authority shall give that person an opportunity to make the oral or written statement or comments at the hearing. The oral or written statement and comments may address the impact of the offense or delinquent act upon the victim, including the nature and extent of any harm suffered, the extent of any property damage or economic loss, any restitution ordered by the committing court and the progress the child has made toward fulfillment of that obligation, and the victim's recommendation for the outcome of the release hearing. A written statement or written comments submitted by a victim or a victim's representative under this section are confidential, are not a public record, and shall be returned to the release authority at the end of a release hearing by any person who receives a copy of them.</p> <p>....</p> |
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| | <p><i>Ohio Rev. Code Ann. § 5149.101 [Full board hearing of parole board on parole or re-parole of prisoner]</i></p> <p>(A)(1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.</p> <p>(2) A victim of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the victim's representative, or any person described in division (B)(5) of this section may request the board to hold a full board hearing that relates to the proposed parole or re-parole of the person that committed the violation. If a victim, victim's representative, or other person requests a full board hearing pursuant to this division, the board shall hold a full board hearing.</p> <p>At least thirty days before the full hearing, except as otherwise provided in this division, the board shall give notice of the date, time, and place of the hearing to the victim regardless of whether the victim has requested the notification. The notice of the date, time, and place of the hearing shall not be given under this division to a victim if the victim has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the notice not be provided to the victim. At least thirty days before the full board hearing and regardless of whether the victim has requested that the notice be provided or not be provided under this division to the victim, the board shall give similar notice to the prosecuting attorney in the case, the law enforcement agency that arrested the prisoner if any officer of that agency was a victim of the offense, and, if different than the victim, the person who requested the full hearing....</p> <p>The preceding paragraph, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (D)(1) of section 2930.16, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) of section 2967.26, and division (D)(1) of section 2967.28 of the Revised Code enacted in the act in which this paragraph was enacted, shall be known as "Roberta's Law."</p> <p>(B) At a full board hearing that relates to the proposed parole or re-parole of a prisoner and that has been petitioned for or requested in accordance with division (A) of this section, the parole board shall permit the following persons to appear and to give testimony or to submit written statements:</p> <ol style="list-style-type: none"> (1) The prosecuting attorney of the county in which the original indictment against the prisoner was found and members of any law enforcement agency that assisted in the prosecution of the original offense; (2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor; (3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code; |
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| | <p>(4) The victim of any behavior that resulted in parole being revoked;</p> <p>(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:</p> <ul style="list-style-type: none"> (a) The spouse of the victim of the original offense; (b) The parent or parents of the victim of the original offense; (c) The sibling of the victim of the original offense; (d) The child or children of the victim of the original offense. <p>(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.</p> <p>(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.</p> <p>At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner.</p> <p>If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority.</p> <p>(D) If the victim of the original offense died as a result of the offense and the offense was aggravated murder, murder, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the family of the victim may show at a full board hearing a video recording not exceeding five minutes in length memorializing the victim.</p> <p>....</p> <p><i>Ohio Rev. Code Ann. § 2930.12 [Notice of acquittal or conviction of defendant or adjudication of alleged juvenile offender]</i></p> <p>At the request of the victim in a criminal prosecution, the prosecutor shall give the victim notice of the defendant's acquittal or conviction. At the request of the victim in a delinquency proceeding, the prosecutor shall give the victim notice of the dismissal of the complaint against the alleged juvenile offender or of the adjudication of the alleged juvenile offender as a delinquent child, except that, if the juvenile court dismisses the complaint against the alleged juvenile offender or adjudicates the alleged juvenile offender a delinquent child prior to the</p> |
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| | <p>prosecutor’s involvement in the case, at the request of the victim, the court or a court employee shall give the victim notice of the dismissal or of the adjudication. If the defendant or alleged juvenile offender is convicted or is adjudicated a delinquent child, the notice shall include all of the following:</p> <p>....</p> <p>(C) Notice that the victim may make a statement about the impact of the crime or specified delinquent act to the probation officer or other person, if any, who prepares the presentence investigation report or to the person, if any, who prepares a victim impact statement, that a statement of the victim included in the report will be made available to the defendant or alleged juvenile offender unless the court exempts it from disclosure, and that the court may make the victim impact statement available to the defendant or alleged juvenile offender;</p> <p>(D) Notice of the victim’s right under section 2930.14 of the Revised Code to make a statement about the impact of the crime or specified delinquent act before sentencing or disposition;</p> <p>....</p> |
| Oklahoma | <p><i>Okla. Const. art. II, § 34 [Rights of victims]</i></p> <p>A. To preserve and protect the rights of victims to justice and due process, and ensure that victims are treated with fairness, respect and dignity, and are free from intimidation, harassment, or abuse, throughout the criminal justice process, any victim or family member of a victim of a crime has the right to know the status of the investigation and prosecution of the criminal case, including all proceedings wherein a disposition of a case is likely to occur, and where plea negotiations may occur. The victim or family member of a victim of a crime has the right to know the location of the defendant following an arrest, during a prosecution of the criminal case, during a sentence to probation or confinement, and when there is any release or escape of the defendant from confinement. The victim or family member of a victim of a crime has a right to be present at any proceeding where the defendant has a right to be present, to be heard at any sentencing or parole hearing, to be awarded restitution by the convicted person for damages or losses as determined and ordered by the court, and to be informed by the state of the constitutional rights of the victim.</p> <p>....</p> <p><i>Okla. Stat. Ann. tit. 21, § 142A-1 [Definitions]</i></p> <p>....</p> <p>8. “Victim impact statements” means information about the financial, emotional, psychological, and physical effects of a violent crime on each victim and members of their immediate family, or person designated by the victim or by family members of the victim and includes information about the victim, circumstances surrounding</p> |

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| | <p>the crime, the manner in which the crime was perpetrated, and the opinion of the victim of a recommended sentence; and</p> <p>....</p> <p><i>Okla. Stat. Ann. tit. 21, § 142A-2 [Victims and witnesses rights]</i></p> <p>A. The district attorney's office shall inform the victims and witnesses of crimes of the following rights:</p> <p>....</p> <p>(11) To have victim impact statements filed with the judgment and sentence;</p> <p>....</p> <p><i>Okla. Stat. Ann. tit. 21, § 142A-8 [Presentation and use of victim impact statement at sentencing and parole proceedings]</i></p> <p>A. Each victim, or members of the immediate family of each victim or person designated by the victim or by family members of the victim, may present a written victim impact statement, which may include religious invocations or references, or may appear personally at the sentence proceeding and present the statements orally. Provided, however, if a victim or any member of the immediate family or person designated by the victim or by family members of a victim wishes to appear personally, the person shall have the absolute right to do so. Any victim or any member of the immediate family or person designated by the victim or by family members of a victim who appears personally at the formal sentence proceeding shall not be cross-examined by opposing counsel; provided, however, such cross-examination shall not be prohibited in a proceeding before a jury or a judge acting as a finder of fact. A written victim impact statement introduced at a formal sentence proceeding shall not be amended by any person other than the author, nor shall the statement be excluded in whole or in part from the court record. The court shall allow the victim impact statement to be read into the record.</p> <p>B. If a presentence investigation report is prepared, the person preparing the report shall consult with each victim or members of the immediate family or a designee of members of the immediate family if the victim is deceased, incapacitated or incompetent, and include any victim impact statements in the presentence investigation report. If the individual to be consulted cannot be located or declines to cooperate, a notation to that effect shall be included.</p> <p>C. The judge shall make available to the parties copies of any victim impact statements.</p> <p>D. In any case which is plea bargained, victim impact statements shall be presented at the time of sentencing or attached to the district attorney narrative report. In determining the appropriate sentence, the court shall consider among other factors any victim impact statements if submitted to the jury, or the judge in the event a jury was waived.</p> |
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| | <p>E. The Department of Corrections and the Pardon and Parole Board, in deciding whether to release an individual on parole, shall consider any victim impact statements submitted to the jury, or the judge in the event a jury was waived.</p> <p><i>Okla. Stat. Ann. tit. 57, § 332.2 [Meetings of Pardon and Parole Board--Consideration of commutation--Notice of dockets and recommendations]</i></p> <p>A. The Pardon and Parole Board, which shall meet only on the call of the Chairman, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said recommendation being advisory to the Governor and not binding thereon.</p> <p>B. Any consideration for commutation shall be made only after application is made to the Pardon and Parole Board pursuant to the procedures set forth in this section. The Pardon and Parole Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within ten (10) business days of receipt of such application.</p> <p>....</p> <p>F. The Pardon and Parole Board shall schedule the application on a commutation docket in compliance with the notice requirements set forth herein. The Board shall provide the victim or representative of the victim at least twenty (20) days to offer recommendations or protests before consideration of the application.</p> <p>....</p> <p>H. Any consideration for pardon shall be made only after application is made to the Pardon and Parole Board. Upon receipt of an application for pardon, the Board shall provide a copy of the application to the district attorney, the victim or representative of the victim and the Office of the Attorney General within twenty (20) business days of receipt of such application. The district attorney and the victim or representative of the victim shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application. The Board shall schedule the application on a pardon docket in compliance with the notice requirements set forth herein.</p> <p>....</p> <p>K. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing at least twenty (20) days before an inmate is considered by the Board provided the Board has received a request from the victim or representatives of the victim for notice. The Board shall provide all victims or representatives of the victim with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the Board regarding the inmate or the crime. If requested by the victim or representatives of the victim, the</p> |
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| | <p>Board shall allow the victim or representatives of the victim to testify at the parole hearing of the inmate for at least five (5) minutes.</p> <p>L. The Pardon and Parole Board shall notify all victims or representatives of the victim in writing of the decision of the Board no later than twenty (20) days after the inmate is considered by the Board.</p> <p>M. Any notice required to be provided to the victims or the representatives of the victim shall be mailed by first-class mail to the last-known address of the victim or representatives of the victim. It is the responsibility of the victims or representatives of the victim to provide the Pardon and Parole Board a current mailing address. The victim-witness coordinator of the district attorney shall assist the victims or representatives of the victim with supplying their address to the Board if they wish to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided, the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the recommendation by the Board for parole. The Pardon and Parole Board may reconsider previous action and may rescind a recommendation if deemed appropriate as determined by the Board.</p> <p>N. For purposes of this section, “victim” shall mean all persons who have suffered direct or threatened physical or emotional harm, or financial loss as the result of the commission or attempted commission of criminally injurious conduct, and “representatives of the victim” shall mean those persons who are members of the immediate family of the victim, including stepparents, stepbrothers, stepsisters, and stepchildren.</p> <p>....</p> |
| Oregon | <p><i>Or. Const. art. I, § 42 [Rights of victim in criminal prosecutions and juvenile court delinquency proceedings]</i></p> <p>(1) To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role in the criminal and juvenile justice systems, to accord crime victims due dignity and respect and to ensure that criminal and juvenile court delinquency proceedings are conducted to seek the truth as to the defendant’s innocence or guilt, and also to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal and juvenile court delinquency proceedings, the following rights are hereby granted to victims in all prosecutions for crimes and in juvenile court delinquency proceedings:</p> <p>(a) The right to be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the defendant will be present, and to be heard at the pretrial release hearing and the sentencing or juvenile court delinquency disposition;</p> <p>....</p> |

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| | <p><i>Or. Rev. Stat. Ann. § 137.013 [Sentencing; appearance by victim]</i></p> <p>At the time of sentencing, the victim or the victim's next of kin has the right to appear personally or by counsel, and has the right to reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim, and the need for restitution and compensatory fine.</p> <p><i>Or. Rev. Stat. Ann. § 144.750 [Rights of certain crime victims when crime is subject of proceedings of State Board of Parole and Post-Prison Supervision]</i></p> <p>(1) To accord crime victims due dignity and respect, a victim of a crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision has the following rights:</p> <p>....</p> <p>(b) The victim, personally or by counsel, and the district attorney of the county in which the offender was convicted have the right to appear at a hearing conducted by the board and may submit written and oral statements adequately and reasonably expressing any views concerning the crime and the offender.</p> <p>(c) The victim, personally or by counsel, and the district attorney of the county in which the offender was convicted shall be given access to the information that the board will rely upon in the hearing. The victim and the district attorney shall be given adequate time to rebut the information. The victim or the district attorney may request that the board, in the discretion of the board, obtain and consider additional records, evaluations or other documents.</p> <p>....</p> <p>(b) The victim, personally or by counsel, has the right to appear at a contested hearing conducted by the supervisory authority and may submit written and oral statements adequately and reasonably expressing any views concerning the crime and the offender.</p> <p>(c) The victim, personally or by counsel, shall be given access to information that the supervisory authority will rely upon in the contested hearing. The victim shall be given adequate time to rebut the information. The victim may request that the supervisory authority, in the discretion of the supervisory authority, obtain and consider additional records, evaluations or other documents.</p> <p>(5) For purposes of this section, the victim may appear personally through the victim's next of kin or a representative selected by the victim.</p> <p><i>Or. Rev. Stat. Ann. § 144.098 [Release plan; review]</i></p> <p>....</p> <p>(2) If the board reviews a release plan, the board must attempt to notify the victim before the review of the release plan by sending written notice to the victim if the victim requests to be notified and furnishes the board with a</p> |
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| | <p>current address. The notice must inform the victim that the victim may submit information concerning the inmate and the crime to the board for the board's consideration.</p> <p><i>Or. Rev. Stat. Ann. § 138.627 [Rights of certain crime victims when post-conviction relief is sought]</i></p> <p>(1) To accord crime victims due dignity and respect, a victim of a crime that is the subject of a petition for post-conviction relief filed under ORS 138.510 to 138.680 has, upon request, the following rights:</p> <p>(c) The right to be heard, either orally or in writing, at the hearing;</p> <p>....</p> <p><i>Or. Rev. Stat. Ann. § 163.150 [Sentencing; aggravated murder]</i></p> <p>(1)(a) Upon a finding that the defendant is guilty of aggravated murder, the court, except as otherwise provided in subsection (3) of this section, shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to life imprisonment, as described in ORS 163.105 (1)(c), life imprisonment without the possibility of release or parole, as described in ORS 163.105 (1)(b), or death. ... In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence including, but not limited to, victim impact evidence relating to the personal characteristics of the victim or the impact of the crime on the victim's family and any aggravating or mitigating evidence relevant to the issue in paragraph (b)(D) of this subsection; however, neither the state nor the defendant shall be allowed to introduce repetitive evidence that has previously been offered and received during the trial on the issue of guilt. The court shall instruct the jury that all evidence previously offered and received may be considered for purposes of the sentencing hearing. This paragraph shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Oregon. The state and the defendant or the counsel of the defendant shall be permitted to present arguments for or against a sentence of death and for or against a sentence of life imprisonment with or without the possibility of release or parole.</p> <p><i>Or. Rev. Stat. Ann. § 144.650 [Notice of intention to apply for pardon, commutation or remission; proof of service]</i></p> <p>(1) When an application for a pardon, commutation or remission is made to the Governor, a copy of the application, signed by the person applying and stating fully the grounds of the application, shall be served upon:</p> <p>(a) The district attorney of the county where the conviction was had;</p> <p>(b) If the person applying is housed in a correctional facility within the State of Oregon, the district attorney of the county in which the correctional facility is located;</p> <p>(c) The State Board of Parole and Post-Prison Supervision; and</p> |
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| | <p>(d) The Director of the Department of Corrections.</p> <p>(2) Proof by affidavit of the service shall be presented to the Governor.</p> <p>(3) Upon receiving a copy of the application for pardon, commutation or remission, any person or agency named in subsection (1) of this section shall provide to the Governor as soon as practicable such information and records relating to the case as the Governor may request and shall provide further information and records relating to the case that the person or agency considers relevant to the issue of pardon, commutation or remission, including but not limited to:</p> <p>(a) Statements by the victim of the crime or any member of the victim's immediate family, as defined in ORS 163.730;</p> <p>(b) A statement by the district attorney of the county where the conviction was had; and</p> <p>(c) Photos of the victim and the autopsy report, if applicable.</p> <p>(4) Following receipt by the Governor of an application for pardon, commutation or remission, the Governor shall not grant the application for at least 30 days. Upon the expiration of 180 days, if the Governor has not granted the pardon, commutation or remission applied for, the application shall lapse. Any further proceedings for pardon, commutation or remission in the case shall be pursuant only to further application and notice.</p> |
| Pennsylvania | <p><i>18 Pa. Stat. Ann. § 11.201 [Rights]</i></p> <p>Victims of crime have the following rights:</p> <p>....</p> <p>(5) To have opportunity to offer prior comment on the sentencing of a defendant or the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition or presentence report submitted to the court. Victim-impact statements shall be considered by a court when determining the disposition of a juvenile or sentence of an adult.</p> <p>(5.1) To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp pursuant to the act of December 19, 1990 (P.L. 1391, No. 215),¹ known as the Motivational Boot Camp Act.</p> <p>(5.2) Upon request of the victim of a personal injury crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile.</p> <p>....</p> <p>(7) In personal injury crimes where the adult is sentenced to a State correctional facility, to be:</p> |

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| | <p>(i) given the opportunity to provide prior comment on and to receive State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement;</p> <p>....</p> <p>(iii) given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp pursuant to the Motivational Boot Camp Act.</p> <p>(8) In personal injury crimes where the adult is sentenced to a local correctional facility, to:</p> <p>(i) receive notice of the date of the release of the adult, including work release, furlough, parole, release from a boot camp or community treatment center placement; and</p> <p>(8.1)</p> <p>....</p> <p>(iii) Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.</p> <p>....</p> <p><i>18 Pa. Stat. Ann. § 11.502 [Petitions to deny parole upon expiration of minimum sentence]</i></p> <p>(a) Petition.--Upon the request of a victim who has notified the board in writing of the victim's desire to have input and make comment prior to a parole release decision, the victim advocate shall either petition the board as to the special conditions of release which may be imposed or that the offender not be paroled based upon the statement that the victim submitted under section 501.</p> <p>(b) Appearance.--The victim or the victim's representative shall be permitted to appear in person and provide testimony before the panel or the majority of those board members charged with making the parole release decision or, in the alternative, the victim's or victim's representative's testimony may be presented by electronic means as provided by the board. The testimony of a victim or victim's representative shall be confidential. Records maintained by the department and the board pertaining to victims shall be kept separate from other records, and these victim records, including current address, telephone number and any other personal information of the victim and family members, shall be deemed confidential.</p> <p>....</p> <p><i>61 Pa. Stat. Ann. § 6140 [Victim statements, testimony and participation in hearing]</i></p> <p>(a) Duty of district attorney to provide notice.--</p> |
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| | <p>(1) The victim of the offense for which an inmate is sentenced shall be notified by the district attorney immediately following sentencing, in cases where the defendant has been sentenced to a term of imprisonment, that the victim or family member shall have the opportunity to present a statement for the parole report to be considered at the parole hearing or to testify to the parole board expressing his opinion concerning the release of the inmate.</p> <p>(2) The district attorney shall provide notice to a member of the immediate family of the victim if the victim:</p> <ul style="list-style-type: none"> (i) is a juvenile; (ii) is incapable of testifying; or (iii) died as a result of the defendant's conduct. <p>(b) Notice of intent to submit statement.--In order to submit a statement under subsection (a), a victim or family member must notify the board of his intention to do so and provide and keep current an appropriate mailing address with the board.</p> <p>(c) Contents of parole report.--The parole report may include a statement concerning:</p> <ul style="list-style-type: none"> (1) The continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim. (2) The extent of any loss of earnings or ability to work suffered by the victim. (3) The continuing effect of the crime upon the victim's family. <p>(d) Notice to persons who previously contacted the board.--</p> <ul style="list-style-type: none"> (1) At the time public notice is given that an inmate is being considered for parole pursuant to this section, the board shall also notify any victim or nearest relative who has previously contacted the board of the availability to provide a statement for inclusion in the parole report or to present testimony for inclusion at the parole hearing. (2) The board shall notify the person identified under paragraph (1) at the person's last known mailing address. The notification required by this section shall be given by the board in the case of a parole to be granted pursuant to section 6139 (relating to parole procedure) or by the court in the case of a parole to be granted pursuant to section 6133 (relating to probation services). <p>(e) Notice of intent to present testimony.--The victim or family member shall notify the board within 30 days from the date of the notice of his intent to present testimony at the parole hearing. This time period may be waived by the board for good cause.</p> <p>(f) Referral to hearing officer.--If the victim or family member submits a written statement to the board subsequent to notice, the statement shall be made a part of the board's file on the inmate, and the inmate's case shall be referred to a hearing officer designated to conduct parole release hearings.</p> |
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| | <p>(g) Assignment to hearing examiner.--If the victim or family member informs the board subsequent to notice being provided that the person intends to testify, the chairperson shall assign the inmate's case to a hearing examiner for the purpose of receiving the person's testimony.</p> <p>....</p> <p><i>42 Pa. Stat. Ann. § 9711 [Sentencing procedure for murder of the first degree]</i></p> <p>(a) Procedure in jury trials.--</p> <p>(1) After a verdict of murder of the first degree is recorded and before the jury is discharged, the court shall conduct a separate sentencing hearing in which the jury shall determine whether the defendant shall be sentenced to death or life imprisonment.</p> <p>(2) In the sentencing hearing, evidence concerning the victim and the impact that the death of the victim has had on the family of the victim is admissible.</p> <p>....</p> |
| Rhode Island | <p><i>R.I. Const. art. I, § 23 [Rights of victims of crime]</i></p> <p>....</p> <p>Before sentencing, a victim shall have the right to address the court regarding the impact which the perpetrator's conduct has had upon the victim.</p> <p>....</p> <p><i>12 R.I. Gen. Laws Ann. § 12-28-3 [General rights]</i></p> <p>(a) Each victim of a criminal offense who makes a timely report of the crime and who cooperates with law enforcement authorities in the investigation and prosecution of the offense shall have the following rights:</p> <p>....</p> <p>(10) To be consulted by the administrator of probation and parole in the course of his or her preparation of the presentence report on felony cases and to have included in that report a statement regarding the impact which the defendant's criminal conduct has had upon the victim;</p> <p>(11) To be afforded the right to address the court prior to sentencing in those cases where the defendant has been adjudicated guilty following a trial;</p> <p>....</p> <p>(14) To be afforded the opportunity to make a statement, in writing and signed, regarding the impact which the defendant's criminal conduct had upon the victim. The statement shall be inserted into the case file maintained by</p> |

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| | <p>the attorney general or prosecutor and shall be presented to the court for its review prior to the acceptance of any plea negotiation. The statement shall be submitted to the parole board for inclusion in its records regarding the defendant's conduct against the victim;</p> <p>....</p> <p><i>12 R.I. Gen. Laws Ann. § 12-28-4 [Right to address court regarding plea negotiation]</i></p> <p>(a) Prior to the imposition of sentence upon a defendant who has been adjudicated guilty of a crime in a trial, the victim of the criminal offense shall be afforded the opportunity to address the court regarding the impact which the defendant's criminal conduct has had upon the victim. The victim shall be permitted to speak prior to counsel for the state and the defendant making their sentencing recommendations to the court and prior to the defendant's exercise of his or her right to address the court.</p> <p>....</p> <p><i>12 R.I. Gen. Laws Ann. § 12-28-6 [Right to address parole board]</i></p> <p>(a) Prior to acting upon the petition or any continuance of the petition of an inmate at the adult correctional institutions or the women's reformatory, the parole board shall notify the victim, if he or she is identified and his or her residence is known, of the criminal conduct for which the inmate has been incarcerated and of the pendency of the proceedings before the board. The victim shall upon request be afforded the opportunity to address the board regarding the impact of the crime upon the victim; provided, that the board may, in its discretion, permit the parent and/or legal guardian of a victim who is a minor at the time of the hearing to address the board on behalf of the minor.</p> <p>....</p> <p>As used in this chapter, "victim impact statement" means a statement providing information about the financial, emotional, and physical effects of a crime on the victim and the victim's family, and specific information about the victim, the circumstances surrounding the crime, and the manner in which it was perpetrated.</p> |
| South Carolina | <p><i>S.C. Const. art. I, § 24 [Victims' Bill of Rights.]</i></p> <p>(A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:</p> <p>....</p> <p>(5) be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;</p> <p>....</p> |

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| | <p>(10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;</p> <p>....</p> <p><i>S.C. Code Ann. § 16-3-1535 [Summary court's duty to notify victim of victim's rights; form for victim impact statement.]</i></p> <p>(A) The summary court, upon retaining jurisdiction of an offense involving one or more victims, reasonably must attempt to notify each victim of his right to:</p> <p>....</p> <p>(4) submit an oral or written victim impact statement, or both, for consideration by the summary court judge at the disposition proceeding.</p> <p>....</p> <p>(B) The summary court must provide to each victim who wishes to make a written victim impact statement a form that solicits pertinent information regarding the offense, including:</p> <p>(1) the victim's personal information and supplementary contact information;</p> <p>(2) an itemized list of the victim's economic loss and recovery from any insurance policy or any other source;</p> <p>(3) details of physical or psychological injuries, or both, including their seriousness and permanence;</p> <p>(4) identification of psychological services requested or obtained by the victim;</p> <p>(5) a description of any changes in the victim's personal welfare or family relationships; and</p> <p>(6) any other information the victim believes to be important and pertinent.</p> <p>....</p> <p>(G) In cases in which the sentence is more than ninety days, the summary court judge must forward, as appropriate and within fifteen days, a copy of each victim's impact statement or the name, mailing address, and telephone number of each victim, or both, to the Department of Corrections, the Department of Probation, Parole and Pardon Services, or the Board of Juvenile Parole, the Department of Juvenile Justice, and a diversion program.</p> <p><i>S.C. Code Ann. § 16-3-1545 [Juvenile cases; notification to victims of right to submit victim impact statement for disposition proceeding; form of statement; other required information for victims.]</i></p> <p>(A) The prosecuting agency, when a juvenile case is referred or a general sessions charge is received involving one or more victims, reasonably must attempt to notify each victim of his right to submit an oral or written victim impact statement, or both, for consideration by the circuit or family court judge at the disposition proceeding. The victim also must be informed that a written victim impact statement may be submitted at any postadjudication</p> |
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| | <p>proceeding by the Department of Corrections, the Department of Probation, Parole, and Pardon Services, the Board of Juvenile Parole, or the Department of Juvenile Justice. The prosecuting agency must provide to each victim who wishes to make a written victim impact statement a form that solicits pertinent information regarding the offense that may include:</p> <ul style="list-style-type: none"> (1) the victim's personal information and supplementary contact information; (2) an itemization of the victim's economic loss and recovery from any insurance policy or another source; (3) details of physical or psychological injuries, or both, including their seriousness and permanence; (4) identification of psychological services requested or obtained by the victim; (5) a description of any changes in the victim's personal welfare or family relationships; and (6) any other information the victim believes to be important and pertinent. <p>(B) The prosecuting agency must offer the victim assistance in preparing a comprehensive victim impact statement and assistance in reviewing and updating the statement, as appropriate, before the case is disposed.</p> <p>....</p> <p><i>S.C. Code Ann. § 16-3-1550 [Restriction on employers of victims and witnesses; protection of rights of victims and witnesses.]</i></p> <p>....</p> <p>(F) The circuit or family court must hear or review any victim impact statement, whether written or oral, before sentencing. Within a reasonable period of time before sentencing, the prosecuting agency must make available to the defense any written victim impact statement and the court must allow the defense an opportunity to respond to the statement. However, the victim impact statement must not be provided to the defense until the defendant has been found guilty by a judge or jury. The victim impact statement and its contents are not admissible as evidence in any trial.</p> <p>....</p> <p><i>S.C. Code Ann. § 16-3-1555 [Expert witness fees; distribution, maintenance and use of victim's impact statements.]</i></p> <p>....</p> <p>(B) In cases in which the sentence is more than ninety days, the prosecuting agency must forward, as appropriate and within fifteen days, a copy of each victim's impact statement or the name, mailing address, and telephone number of each victim, or both, to the Department of Corrections, the Department of Probation, Parole and Pardon Services, or the Board of Juvenile Parole, the Department of Juvenile Justice, and a diversion program. The names, addresses, and telephone numbers of victims and prosecution witnesses contained in the records of</p> |
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| | <p>the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, and the Department of Juvenile Justice are confidential and must not be disclosed directly or indirectly, except by order of a court of competent jurisdiction or as necessary to provide notifications, or services, or both, between these agencies, these agencies and the prosecuting agency, or these agencies and the Attorney General. (C) The prosecuting agency must maintain the victim's original impact statement. The victim's impact statement must not be provided to the defendant until the defendant has been adjudicated, found guilty, or has pled guilty. The victim's impact statement and its contents are not admissible as evidence in any trial.</p> <p>....</p> |
| South Dakota | <p><i>S.D. Const. art. VI, § 29 [Rights of crime victim]</i></p> <p>A victim shall have the following rights:</p> <p>....</p> <p>9. The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding during which a right of the victim is implicated;</p> <p>....</p> <p>11. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any pre-sentence or disposition investigation or compiling any pre-sentence investigation report or plan of disposition, and to have any such information considered in any sentencing or disposition recommendations;</p> <p>....</p> <p>17. The right, upon request, to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. Any parole authority shall extend the right to be heard to any person harmed by the offender;</p> <p>18. The right, upon request, to be informed in a timely manner of clemency and expungement procedures, to provide information to the Governor, the court, any clemency board and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made, and to be notified of such decision in advance of any release of the offender; and</p> <p>....</p> <p><i>S.D. Codified Laws § 23A-28C-1 [Rights of crime victim]</i></p> |

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| | <p>Consistent with § 23A-28C-4, victims of the crime, including victims of driving under the influence vehicle accidents, have the following rights:</p> <p>....</p> <p>(8) To provide to the court a written or oral victim impact statement prior to sentencing regarding the financial and emotional impact of the crime on the victim and his or her family as well as recommendations for restitution and sentencing and § 23A-28-8 notwithstanding, the right to appear at any hearing during which a change in the plan of restitution is to be considered;</p> <p>....</p> <p>(10) To provide written input at parole and clemency hearings or with respect to clemency by the Governor, should those options be considered;</p> <p>(11) In a case in which the death penalty may be authorized, to provide to the court or to the jury, as appropriate, testimony about the victim and the impact of the crime on the victim's family;</p> <p>....</p> <p>(15) To be notified of a petition by the sex offender for removal from the sex offender registry and to provide written input with respect to the removal request.</p> <p><i>S.D. Codified Laws § 23A-28C-11 [Notice of clemency hearing—Contents]</i></p> <p>Upon the scheduling of a clemency hearing pursuant to chapter 24-14, the Department of Corrections shall provide notice to the victim. Notice of a clemency hearing shall be made at least two weeks prior to the hearing. The notice shall provide the offender's clemency hearing date, time, and location and shall advise the victim that the victim may be present at the hearing and may state an opinion regarding clemency. The victim shall be notified if clemency is recommended.</p> <p><i>S.D. Codified Laws § 23A-27-1.1 [Victim's oral impact statement to court before sentence imposed--Response of defendant--Victim defined]</i></p> <p>If a defendant has been convicted of an A, B, or C felony, upon request to the court by a victim and before imposing sentence on a defendant, the victim has the right to orally address the court concerning the emotional, physical, and monetary impact of the defendant's crime upon the victim and the victim's family, and may comment upon the sentence which may be imposed upon the defendant.</p> <p>If a defendant has been convicted of any other felony or misdemeanor, upon request to the court by a victim and before imposing sentence on a defendant, the victim, in the discretion of the court, may orally address the court concerning the emotional, physical, and monetary impact of the defendant's crime upon the victim and the victim's family, and may comment upon the sentence which may be imposed upon the defendant.</p> |
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| Tennessee | <p><i>Tenn. Const. art. I, § 35 [Rights of victims of crimes]</i></p> <p>To preserve and protect the rights of victims of crime to justice and due process, victims shall be entitled to the following basic rights:</p> <p>....</p> <p>4. The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly.</p> <p>....</p> <p><i>Tenn. Code Ann. § 40-38-302 [Definitions]</i></p> <p>....</p> <p>(2) “Critical stages of the criminal justice process” are:</p> <p>(A) Bond hearings or bond reduction hearings if hearing from the victim is deemed relevant by the appropriate district attorney general;</p> <p>(B) Any hearing on a motion to dismiss or on a plea agreement requiring approval by the trial court;</p> <p>(C) The defendant’s sentencing hearing;</p> <p>(D) Any hearing at which the issue of whether the defendant should pay restitution or the amount of restitution that should be paid is discussed;</p> <p>(E) Any parole hearing at which the defendant’s release on parole will be discussed or determined; and</p> <p>(F) Any other hearing that proposes a final disposition of the case;</p> <p>....</p> <p><i>Tenn. Code Ann. § 40-38-103 [Victims; additional rights]</i></p> <p>(a) All victims of crime shall, upon their request, have the right to:</p> <p>....</p> <p>(2) Whenever possible, be advised and informed of plea bargaining discussions and agreements prior to the entry of any plea agreement where the victim is a victim of violent crime involving death of a family member or serious bodily injury, speak at parole hearings, submit a victim impact statement to the courts and the board of parole and give impact testimony at court sentencing hearings;</p> <p>....</p> |
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| | <p><i>Tenn. Code Ann. § 40-38-202 [Sentencing; consideration by judge]</i> The sentencing judge shall solicit and consider a victim impact statement prior to sentencing a convicted offender who has caused physical, emotional or financial harm to a victim, as defined in § 40-38-203.</p> <p><i>Tenn. Code Ann. § 40-38-203 [Definitions]</i> As used in this part, unless the context otherwise requires: (2) “Victim impact statement” means a statement providing information about the financial, emotional and physical effects of the crime on the victim and the victim’s family and specific information about the victim, the circumstances surrounding the crime and the manner in which it was perpetrated; and </p> <p><i>Tenn. Code Ann. § 40-38-205 [Presentence report; statements]</i> Prior to imposition of sentence in a felony case, the department of correction shall prepare a written victim impact statement as part of the presentence report on the defendant. The statement shall include applicable information obtained during consultation with the victim or the victim representative. If the victim or victim representative cannot be located or declines to participate in the preparation of the statement, the department shall include a notation to that effect in the statement. If there are multiple victims and preparation of individual victim impact statements is not feasible, the department may submit one (1) or more representative statements.</p> <p><i>Tenn. Code Ann. § 40-38-207 [Sentencing; mitigation or enhancement]</i> Any victim impact statement submitted to the court under § 40-38-205 shall be considered as evidence in determining whether the mitigating factors in § 40-35-113 and the enhancement factors in § 40-35-114 apply.</p> <p><i>Tenn. Code Ann. § 40-28-504 [Victim impact statements]</i> (a) The board shall receive and consider victim impact statements. (b) Written victim impact statements shall not be made available to the public and shall be considered confidential. (c) Assertions made in a victim impact statement may be investigated and verified by the board.</p> <p><i>Tenn. Code Ann. § 40-35-209 [Sentencing hearings; record and presentence reports; uniform judgment documents]</i></p> |
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| | <p>....</p> <p>(b) At the sentencing hearing, the court shall afford the parties the opportunity to be heard and present evidence relevant to the sentencing of the defendant and may afford the victim of the offense or the family of the victim the opportunity to testify relevant to the sentencing of the defendant.</p> <p>....</p> |
| Texas | <p><i>Tex.Code Crim. Proc. Ann. art. 56.02 [Crime victims' rights]</i></p> <p>(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:</p> <p>(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;</p> <p>....</p> <p>(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;</p> <p>....</p> <p>(12) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:</p> <p>(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and</p> <p>(B) by the Board of Pardons and Paroles before an inmate is released on parole;</p> <p>....</p> <p><i>Tex. Code Crim. Proc. Ann. art. 56.03 [Victim impact statement]</i></p> <p>(b) The victim impact statement must be in a form designed to inform a victim, guardian of a victim, or a close relative of a deceased victim with a clear statement of rights provided by Articles 56.02 and 56.021 and to collect the following information:</p> <p>(1) the name of the victim of the offense or, if the victim has a legal guardian or is deceased, the name of a guardian or close relative of the victim;</p> |

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| | <p>(2) the address and telephone number of the victim, guardian, or relative through which the victim, guardian of a victim, or a close relative of a deceased victim, may be contacted;</p> <p>(3) a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense;</p> <p>(4) a statement of any physical or psychological injury suffered by the victim, guardian, or relative as a result of the offense, as described by the victim, guardian, relative, or by a physician or counselor;</p> <p>(5) a statement of any psychological services requested as a result of the offense;</p> <p>(6) a statement of any change in the victim's, guardian's, or relative's personal welfare or familial relationship as a result of the offense;</p> <p>(7) a statement as to whether or not the victim, guardian, or relative wishes to be notified in the future of any parole hearing for the defendant and an explanation as to the procedures by which the victim, guardian, or relative may obtain information concerning the release of the defendant from the Texas Department of Criminal Justice; and</p> <p>(8) any other information, other than facts related to the commission of the offense, related to the impact of the offense on the victim, guardian, or relative.</p> <p>....</p> <p>(e) Prior to the imposition of a sentence by the court in a criminal case, the court shall, as applicable in the case, inquire as to whether a victim impact statement has been returned to the attorney representing the state and, if a victim impact statement has been returned to the attorney representing the state, consider the information provided in the statement.</p> <p><i>Tex. Fam. Code Ann. art. 57.002 [Victim's Rights]</i></p> <p>(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the juvenile justice system:</p> <p>....</p> <p>(5) the right to provide pertinent information to a juvenile court conducting a disposition hearing concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before the court renders its disposition;</p> <p>....</p> <p>(7) the right to be informed, upon request, of procedures for release under supervision or transfer of the person to the custody of the Texas Department of Criminal Justice for parole, to participate in the release or transfer for parole process, to be notified, if requested, of the person's release, escape, or transfer for parole proceedings concerning the person, to provide to the Texas Juvenile Justice Department for inclusion in the person's file</p> |
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| | <p>information to be considered by the department before the release under supervision or transfer for parole of the person, and to be notified, if requested, of the person's release or transfer for parole;</p> <p>....</p> <p><i>Tex. Gov't Code Ann. § 508.153 [Statements of Victim]</i></p> <p>(a) A parole panel considering for release on parole or mandatory supervision an inmate who is serving a sentence for an offense in which a person was a victim shall allow:</p> <p>(1) the victim, a guardian of the victim, a close relative of the deceased victim, or a representative of the victim, the victim's guardian, or the victim's close relative to provide a written statement to the panel; and</p> <p>(2) the victim, guardian of the victim, or close relative of the deceased victim to appear in person before the board members to present a statement of the person's views about:</p> <p>(A) the offense;</p> <p>(B) the inmate; and</p> <p>(C) the effect of the offense on the victim.</p> <p>(b) If more than one person is entitled to appear in person before the board members or parole commissioners, only the person chosen by all persons entitled to appear as the persons' sole representative may appear.</p> <p>(c) The panel shall consider the statements and the information provided in a victim impact statement in determining whether to recommend an inmate for release on parole.</p> |
| Utah | <p><i>Utah Const. art. I, § 28 [Declaration of the rights of crime victims]</i></p> <p>(1) To preserve and protect victims' rights to justice and due process, victims of crimes have these rights, as defined by law:</p> <p>....</p> <p>(b) Upon request, to be informed of, be present at, and to be heard at important criminal justice hearings related to the victim, either in person or through a lawful representative, once a criminal information or indictment charging crime has been publicly filed in court; and</p> <p>(c) To have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider, without evidentiary limitation, reliable information concerning the background, character, and conduct of a person convicted of an offense except that this subsection does not apply to capital cases or situations involving privileges.</p> |

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| | <p><i>Utah Code Ann. § 77-38-2 [Definitions]</i> For the purposes of this chapter and the Utah Constitution:</p> <p>....</p> <p>(5) “Important criminal justice hearings” or “important juvenile justice hearings” means the following proceedings in felony criminal cases or cases involving a minor’s conduct which would be a felony if committed by an adult:</p> <ul style="list-style-type: none"> (a) any preliminary hearing to determine probable cause; (b) any court arraignment where practical; (c) any court proceeding involving the disposition of charges against a defendant or minor or the delay of a previously scheduled trial date but not including any unanticipated proceeding to take an admission or a plea of guilty as charged to all charges previously filed or any plea taken at an initial appearance; (d) any court proceeding to determine whether to release a defendant or minor and, if so, under what conditions release may occur, excluding any such release determination made at an initial appearance; (e) any criminal or delinquency trial, excluding any actions at the trial that a court might take in camera, in chambers, or at a sidebar conference; (f) any court proceeding to determine the disposition of a minor or sentence, fine, or restitution of a defendant or to modify any disposition of a minor or sentence, fine, or restitution of a defendant; and (g) any public hearing concerning whether to grant a defendant or minor parole or other form of discretionary release from confinement. <p><i>Utah Code Ann. § 77-38-4 [Right to be present, to be heard, and to file an amicus brief on appeal--Control of disruptive acts or irrelevant statements--Statements from persons in custody]</i></p> <p>(1) The victim of a crime, the representative of the victim, or both shall have the right:</p> <p>....</p> <ul style="list-style-type: none"> (b) to be heard at the important criminal or juvenile justice hearings provided in Subsections 77-38-2(5)(b), (c), (d), (f), and (g); (c) to submit a written statement in any action on appeal related to that crime; <p>....</p> <p>(2) This chapter shall not confer any right to the victim of a crime to be heard:</p> <ul style="list-style-type: none"> (a) at any criminal trial, including the sentencing phase of a capital trial under Section 76-3-207 or at any preliminary hearing, unless called as a witness; and (b) at any delinquency trial or at any preliminary hearing in a minor’s case, unless called as a witness. <p>....</p> |
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| | <p>(4) Nothing in this chapter shall deprive the court of the right to prevent or punish disruptive conduct nor give the victim of a crime the right to engage in disruptive conduct.</p> <p>(5) The court shall have the right to limit any victim's statement to matters that are relevant to the proceeding.</p> <p>(6) In all cases where the number of victims exceeds five, the court may limit the in-court oral statements it receives from victims in its discretion to a few representative statements.</p> <p>(7) Except as otherwise provided in this section, a victim's right to be heard may be exercised at the victim's discretion in any appropriate fashion, including an oral, written, audiotaped, or videotaped statement or direct or indirect information that has been provided to be included in any presentence report.</p> <p>(8) If the victim of a crime is a person who is in custody as a pretrial detainee, as a prisoner following conviction for an offense, or as a juvenile who has committed an act that would be an offense if committed by an adult, or who is in custody for mental or psychological treatment, the right to be heard under this chapter shall be exercised by submitting a written statement to the court.</p> <p>(9) The court may exclude any oral statement from a victim on the grounds of the victim's incompetency as provided in Rule 601(a) of Utah Rules of Evidence.</p> <p>(10) Except in juvenile court cases, the Constitution may not be construed as limiting the existing rights of the prosecution to introduce evidence in support of a capital sentence.</p> <p><i>Utah Code Ann. § 77-38-14 [Notice of expungement petition--Victim's right to object]</i></p> <p>(1) The Department of Corrections or the Juvenile Probation Department shall prepare a document explaining the right of a victim or a victim's representative to object to a petition for expungement under Section 77-40-107 or 78A-6-1105 and the procedures for obtaining notice of any such petition. The department or division shall also provide each trial court a copy of the document which has jurisdiction over delinquencies or criminal offenses subject to expungement.</p> <p>(2) The prosecuting attorney in any case leading to a conviction or an adjudication subject to expungement shall provide a copy of the document to each person who would be entitled to notice of a petition for expungement under Sections 77-40-107 and 78A-6-1105.</p> <p><i>Utah Code Ann. § 77-27-9.5 [Victim may attend hearings]</i></p> <p>(1) As used in this section, "hearing" means a hearing for a parole grant or revocation, or a rehearing of either of these if the offender is present.</p> <p>(2)(a) Except as provided in Subsection (2)(b), when a hearing is held regarding any offense committed by the defendant that involved the victim, the victim may attend the hearing to present his views concerning the decisions to be made regarding the defendant.</p> |
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| | <p>(b)(i) The victim may not attend a redetermination or special attention hearing, if the offender is not present.</p> <p>(ii) At that redetermination or special attention hearing, the board shall give consideration to any presentation previously given by the victim regarding that offender.</p> <p>....</p> <p>(4) The victim, or family members if the victim is deceased or unable to attend due to physical incapacity, may:</p> <p>(a) attend the hearing to observe;</p> <p>(b) make a statement to the board or its appointed examiner either in person or through a representative appointed by the victim or his family; and</p> <p>(c) remain present for the hearing if he appoints another to make a statement on his behalf.</p> <p>(5) The statement may be presented:</p> <p>(a) as a written statement, which may also be read aloud, if the presenter desires; or</p> <p>(b) as an oral statement presented by the person selected under Subsection (4).</p> <p>(6) The victim may be accompanied by a member of his family or another individual, present to provide emotional support to the victim.</p> <p>(7) The victim may, upon request, testify outside the presence of the defendant but a separate hearing may not be held for this purpose.</p> <p><i>Utah Code Ann. § 77-41-112 [Removal from registry--Requirements—Procedure]</i></p> <p>(1) An offender may petition the court where the offender was convicted of the offense requiring registration for an order removing the offender from the Sex Offender and Kidnap Offender Registry if:</p> <p>....</p> <p>(6)(a) The offender shall file the petition, original information, and court docket with the court, and deliver a copy of the petition to the office of the prosecutor.</p> <p>(i) Upon receipt of a petition for removal from the Sex Offender and Kidnap Offender Registry, the office of the prosecutor shall provide notice of the petition:</p> <p>(A) by first-class mail to the victim at the most recent address of record on file or, if the victim is still a minor, to the parent or guardian of the victim; and</p> <p>(B) to the Sex and Kidnap Offender Registry office in the Department of Corrections.</p> <p>(ii) The notice shall include a copy of the petition, state that the victim has a right to object to the removal of the offender from the registry, and provide instructions for registering an objection with the court.</p> <p>(b) The office of the prosecutor shall provide the following, if available, to the court within 30 days after receiving the petition:</p> <p>(i) presentencing report;</p> |
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| | <p>(ii) any evaluation done as part of sentencing; and</p> <p>(iii) any other information the office of the prosecutor feels the court should consider.</p> <p>(c) The victim, or the victim's parent or guardian if the victim is a minor, may respond to the petition by filing a recommendation or objection with the court within 45 days after the mailing of the petition to the victim.</p> <p>(7)(a) The court shall:</p> <p>(i) review the petition and all documents submitted with the petition; and</p> <p>(ii) hold a hearing if requested by the prosecutor or the victim.</p> <p>....</p> |
| Vermont | <p><i>Vt. Stat. Ann. tit. 13, § 5321 [Appearance by victim]</i></p> <p>(a) The victim of a crime has the following rights in any sentencing proceedings concerning the person convicted of that crime, or in the event a proposed plea agreement filed with the court recommends a deferred sentence, at any change of plea hearing concerning the person charged with committing that crime:</p> <p>(1) to be given advance notice by the prosecutor's office of the date of the proceedings; and</p> <p>(2) to appear, personally, to express reasonably his or her views concerning the crime, the person convicted, and the need for restitution.</p> <p>....</p> <p>(c) In accordance with court rules, at the sentencing or change of plea hearing, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing or the proposed deferral of sentencing. In imposing the sentence or considering whether to defer sentencing, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing or the proposed deferral of sentencing and shall take those views into consideration in imposing the sentence or considering whether to defer sentencing.</p> <p><i>Vt. Stat. Ann. tit. 13, § 7041 [Deferred sentence]</i></p> <p>(a) Upon an adjudication of guilt and after the filing of a presentence investigation report, the court may defer sentencing and place the respondent on probation upon such terms and conditions as it may require if a written agreement concerning the deferring of sentence is entered into between the state's attorney and the respondent and filed with the clerk of the court.</p> <p>(b) Notwithstanding subsection (a) of this section, the court may defer sentencing and place the respondent on probation without a written agreement between the state's attorney and the respondent if the following conditions are met:</p> <p>....</p> |

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| | <p>(4) the court permits the victim to submit a written or oral statement concerning the consideration of deferment of sentence;</p> <p>(5) the court reviews the presentence investigation and the victim’s impact statement with the parties;</p> <p>....</p> <p><i>Vt. Stat. Ann. tit. 13, § 5305 [Information concerning release from custody]</i></p> <p>....</p> <p>(c) If requested by a victim of a listed crime, the Department of Corrections shall:</p> <p>(1) at least 30 days before a parole board hearing concerning the defendant, inform the victim of the hearing and of the victim’s right to testify before the parole board or to submit a written statement for the parole board to consider; and</p> <p>....</p> <p><i>Vt. Stat. Ann. tit. 28, § 507 [Notification to victim and opportunity to testify]</i></p> <p>(a) At least 30 days prior to a parole eligibility hearing, the victim of a listed crime as defined in subdivision 5301(7) of Title 13, shall be notified as to the time and location of the hearing. Such notification may be waived by the victim in writing.</p> <p>(b) At a parole eligibility hearing, unless waived by the victim of a listed crime as defined in subdivision 5301(7) of Title 13 the inmate shall not be present when the victim testifies before the parole board.</p> <p>(c) Parole board proceedings shall be subject to the Vermont open meeting law.</p> <p>(d) As used in this section, “victim” means:</p> <p>(1) a victim of the listed crime for which the parole board is determining the inmate’s eligibility for parole; and</p> <p>(2) a victim of a listed crime of which the inmate was convicted other than the listed crime for which the parole board is determining the inmate’s eligibility for parole.</p> <p><i>Vt. Stat. Ann. tit. 13, § 5411 (West) [Notification to local law enforcement and local community]</i></p> <p>....</p> <p>(e) After 10 years have elapsed from the completion of the sentence, a person required to register as a sex offender for life pursuant to section 5407 of this title who is not designated as a noncompliant high-risk sex offender pursuant to section 5411d of this title may petition the Criminal Division of the Superior Court for a termination of community notification, including the Internet. The State shall make a reasonable attempt to notify the victim of the proceeding, and consider victim testimony regarding the petition.</p> |
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| <p>Virginia</p> | <p><i>Va. Const. art. I, § 8-A [Rights of victims of crime]</i> That in criminal prosecutions, the victim shall be accorded fairness, dignity and respect by the officers, employees and agents of the Commonwealth and its political subdivisions and officers of the courts and, as the General Assembly may define and provide by law, may be accorded rights to reasonable and appropriate notice, information, restitution, protection, and access to a meaningful role in the criminal justice process. These rights may include, but not be limited to, the following: 3. The right to address the circuit court at the time sentence is imposed; </p> <p><i>Va. Code Ann. § 19.2-11.01 [Crime victim and witness rights]</i> A. In recognition of the Commonwealth’s concern for the victims and witnesses of crime, it is the purpose of this chapter to ensure that the full impact of crime is brought to the attention of the courts of the Commonwealth; that crime victims and witnesses are treated with dignity, respect and sensitivity; and that their privacy is protected to the extent permissible under law. It is the further purpose of this chapter to ensure that victims and witnesses are informed of the rights provided to them under the laws of the Commonwealth; that they receive authorized services as appropriate; and that they have the opportunity to be heard by law-enforcement agencies, attorneys for the Commonwealth, corrections agencies and the judiciary at all critical stages of the criminal justice process to the extent permissible under law. 4. Victim input. a. Victims shall be given the opportunity, pursuant to § 19.2-299.1, to prepare a written victim impact statement prior to sentencing of a defendant and may provide information to any individual or agency charged with investigating the social history of a person or preparing a victim impact statement under the provisions of §§ 16.1-273 and 53.1-155 or any other applicable law. c. On motion of the attorney for the Commonwealth, victims shall be given the opportunity, pursuant to §§ 19.2-264.4 and 19.2-295.3, to testify prior to sentencing of a defendant regarding the impact of the offense. </p> <p><i>Va. Code Ann. § 19.2-295.3 [Admission of victim impact testimony]</i> Whether by trial or upon a plea of guilty, upon a finding that the defendant is guilty of a felony, the court shall permit the victim, as defined in § 19.2-11.01, upon motion of the attorney for the Commonwealth, to testify in the</p> |
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| | <p>presence of the accused regarding the impact of the offense upon the victim. The court shall limit the victim's testimony to the factors set forth in clauses (i) through (vi) of subsection A of § 19.2-299.1. In the case of trial by jury, the court shall permit the victim to testify at the sentencing hearing conducted pursuant to § 19.2-295.1 or in the case of trial by the court or a guilty plea, the court shall permit the victim to testify before the court prior to the imposition of a sentence. Victim impact testimony in all capital murder cases shall be admitted in accordance with § 19.2-264.4.</p> <p><i>Va. Code Ann. § 19.2-299.1 [When Victim Impact Statement required; contents; uses]</i></p> <p>The presentence report prepared pursuant to § 19.2-299 shall, with the consent of the victim, as defined in § 19.2-11.01, in all cases involving offenses other than capital murder, include a Victim Impact Statement. Victim Impact Statements in all cases involving capital murder shall be prepared and submitted in accordance with the provisions of § 19.2-264.5.</p> <p>A Victim Impact Statement shall be kept confidential and shall be sealed upon entry of the sentencing order. If prepared by someone other than the victim, it shall (i) identify the victim, (ii) itemize any economic loss suffered by the victim as a result of the offense, (iii) identify the nature and extent of any physical or psychological injury suffered by the victim as a result of the offense, (iv) detail any change in the victim's personal welfare, lifestyle or familial relationships as a result of the offense, (v) identify any request for psychological or medical services initiated by the victim or the victim's family as a result of the offense, and (vi) provide such other information as the court may require related to the impact of the offense upon the victim.</p> <p>If the court does not order a presentence investigation and report, the attorney for the Commonwealth shall, at the request of the victim, submit a Victim Impact Statement. In any event, a victim shall be advised by the local crime victim and witness assistance program that he may submit in his own words a written Victim Impact Statement prepared by the victim or someone the victim designates in writing.</p> <p>The Victim Impact Statement may be considered by the court in determining the appropriate sentence. A copy of the statement prepared pursuant to this section shall be made available to the defendant or counsel for the defendant without court order at least five days prior to the sentencing hearing. The statement shall not be admissible in any civil proceeding for damages arising out of the acts upon which the conviction was based. The statement, however, may be utilized by the Virginia Workers' Compensation Commission in its determinations on claims by victims of crimes pursuant to Chapter 21.1 (§ 19.2-368.1 et seq.) of this title.</p> <p><i>Va. Code Ann. § 19.2-264.4 [Sentence proceeding]</i></p> <p>A. Upon a finding that the defendant is guilty of an offense which may be punishable by death, a proceeding shall be held which shall be limited to a determination as to whether the defendant shall be sentenced to death or life</p> |
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| | <p>imprisonment. Upon request of the defendant, a jury shall be instructed that for all Class 1 felony offenses committed after January 1, 1995, a defendant shall not be eligible for parole if sentenced to imprisonment for life. In case of trial by jury, where a sentence of death is not recommended, the defendant shall be sentenced to imprisonment for life.</p> <p>A1. In any proceeding conducted pursuant to this section, the court shall permit the victim, as defined in § 19.2-11.01, upon the motion of the attorney for the Commonwealth, and with the consent of the victim, to testify in the presence of the accused regarding the impact of the offense upon the victim. The court shall limit the victim's testimony to the factors set forth in clauses (i) through (vi) of subsection A of § 19.2-299.1.</p> <p>....</p> <p><i>Va. Code Ann. § 16.1-273 [Court may require investigation of social history and preparation of victim impact statement]</i></p> <p>A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof may require an investigation.</p> <p>....</p> <p>B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim, or may in its discretion, require the preparation of a victim impact statement in accordance with the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical, psychological, or economic injury as a result of the violation of law.</p> <p><i>Va. Code Ann. § 53.1-155 [Investigation prior to release; transition assistance]</i></p> <p>A. No person shall be released on parole by the Board until a thorough investigation has been made into the prisoner's history, physical and mental condition and character and his conduct, employment and attitude while in prison. The Board shall also determine that his release on parole will not be incompatible with the interests of society or of the prisoner. The provisions of this section shall not be applicable to persons released on parole pursuant to § 53.1-159.</p> <p>B. An investigation conducted pursuant to this section shall include notification that a victim may submit to the Virginia Parole Board evidence concerning the impact that the release of the prisoner will have on such victim. This notification shall be sent to the last address provided to the Board by any victim of a crime for which the prisoner was incarcerated. The Board shall endeavor diligently to contact the victim prior to making any decision to release any inmate on discretionary parole. The victim of a crime for which the prisoner is incarcerated may</p> |
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| | <p>present to the Board oral or written testimony concerning the impact that the release of the prisoner will have on the victim, and the Board shall consider such testimony in its review. Once testimony is submitted by a victim, such testimony shall remain in the prisoner's parole file and shall be considered by the Board at every parole review. The victim of a crime for which the prisoner is incarcerated may submit a written request to the Board to be notified of (i) the prisoner's parole eligibility date and mandatory release date as determined by the Department of Corrections, (ii) any parole-related interview dates, and (iii) the Board's decision regarding parole for the prisoner. The victim may request that the Board only notify the victim if, following its review, the Board is inclined to grant parole to the prisoner, in which case the victim shall have forty-five days to present written or oral testimony for the Board's consideration. If the victim has requested to be notified only if the Board is inclined to grant parole and no testimony, either written or oral, is received from the victim within at least forty-five days of the date of the Board's notification, the Board shall render its decision based on information available to it in accordance with subsection A. The definition of victim in § 19.2-11.01 shall apply to this section. Although any information presented by the victim of a crime for which the prisoner is incarcerated shall be retained in the prisoner's parole file and considered by the Board, such information shall not infringe on the Board's authority to exercise its decision-making authority.</p> <p>....</p> |
| Washington | <p><i>Wash. Const. art. I, § 35 [Victims of Crimes—Rights]</i></p> <p>....</p> <p>Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights.</p> <p><i>Wash. Rev. Code Ann. § 7.69.030 [Rights of victims, survivors, and witnesses]</i></p> <p>....</p> <p>(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;</p> <p>(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;</p> |

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Wash. Rev. Code Ann. § 7.69.032 [Right to make statement before postsentence release of offender]

(1) The legislature recognizes the significant concerns that many victims, survivors of victims, and witnesses of crimes have when offenders are considered for postsentence release from confinement. Therefore, it is the intent of the legislature to ensure that victims, survivors of victims, and witnesses of crimes are afforded the opportunity to make a statement that will be considered prior to the granting of postsentence release from confinement for any offender under the jurisdiction of the indeterminate sentence review board or its successor, or by the governor regarding an application for pardon or commutation of sentence.

(2) Victims, survivors of victims, and witnesses of crimes have the following rights:

(a) With respect to victims, survivors of victims, and witnesses of crimes, to present a statement to the indeterminate sentence review board or its successor, in person or by representation, via audio or videotape or other electronic means, or in writing, prior to the granting of parole or community custody release for any offender under the board's jurisdiction.

(b) With respect to victims and survivors of victims, to present a statement to the clemency and pardons board in person, via audio or videotape or other electronic means, or in writing, at any hearing conducted regarding an application for pardon or commutation of sentence.

Wash. Rev. Code Ann. § 9.94A.885 [Clemency and pardons board--Petitions for review—Hearing]

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(3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider statements presented as set forth in RCW 7.69.032. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

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| | <p><i>Wash. Rev. Code Ann. § 9.95.260 [Indeterminate sentence review board--Supervision of conditionally pardoned persons—Hearing]</i></p> <p>....</p> <p>(3) The board shall make no recommendations to the governor in support of an application for pardon until a public hearing has been held under this section or RCW 9.94A.885(3) upon the application. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that an application for pardon has been filed and the date and place at which the hearing on the application for pardon will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the application for pardon shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the application for pardon received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.</p> |
| West Virginia | <p><i>W. Va. Code Ann. § 61-11A-2 [Testimony of crime victim at sentencing hearing]</i></p> <p>....</p> <p>(b) Prior to the imposition of sentence upon a defendant who has been found guilty of a felony, or of a misdemeanor if death occurs during the commission of a crime, or has pleaded guilty or nolo contendere to a felony, or to a misdemeanor if death occurs during the commission of a crime, the court shall permit the victim of the crime to appear before the court to make an oral statement for the record if the victim notifies the court of his or her desire to make such a statement after receiving notification provided in subsection (c) of this section. If the victim fails to notify the court, the failure is a waiver of the right to make an oral statement. In lieu of the appearance and oral statement, the victim may submit a written statement to the court or to the probation officer in charge of the case. The probation officer shall forthwith file the statement delivered to his or her office with the sentencing court and the statement must be made a part of the record at the sentencing hearing. The statement, whether oral or written, must relate solely to the facts of the case and the extent of injuries, financial losses and loss of earnings directly resulting from the crime for which the defendant is being sentenced.</p> |

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| | <p>(c) Within a reasonable time prior to the imposition of sentence upon the defendant, the prosecuting attorney or assistant prosecuting attorney in charge of the case shall make reasonable efforts, in writing, to advise the person who was the victim of the crime, the parent or guardian of a minor who was the victim of a crime, the fiduciary of the victim's estate if the victim is deceased and the immediate family members of the victim if the victim is deceased and if their whereabouts are known to the prosecutor or assistant prosecutor. The writing will provide the date, time and place of the original sentencing hearing and of the victim's right to submit a written or oral statement to the sentencing court.</p> <p>(d) The oral or written statement given or submitted by a victim in accordance with the provisions of this section is in addition to and not in lieu of the victim impact statement required by the provisions of section three of this article.</p> <p><i>W. Va. Code Ann. § 61-11A-3 [Victim impact statement; when required; contents; use; right of defendant to review and present evidence]</i></p> <p>(a) In every case in which a presentence report is ordered by the court, such presentence report shall contain a victim impact statement unless the court orders otherwise, if the defendant, in committing a felony or misdemeanor, caused physical, psychological or economic injury or death of the victim.</p> <p>(b) The victim impact statement shall be prepared by the probation officer and shall include the identity of the victim, an itemization of any economic loss suffered by the victim as a result of the offense, a description of the nature and extent of any physical or psychological injury suffered by the victim as a result of the offense, the details of any change in the victim's personal welfare, lifestyle or family relationships as a result of the offense, whether there has been any request for psychological or medical services initiated by the victim or the victim's family as a result of the offense and such other information related to the impact of the offense upon the victim as may be required by the court.</p> <p>(c) If the court does not order a presentence investigation and report, the prosecuting attorney may request that the probation officer prepare a victim impact statement. The victim impact statement shall be considered by the court as a factor in determining the appropriate sentence. Additionally, the statement may be utilized for the determination of claims by victims of crimes pursuant to the provisions of article two-a, chapter fourteen of this code.</p> <p>(d) In cases that involve child victims of offenses defined in section twelve, article eight of this chapter or article eight-b or eight-d of this chapter, any victim impact statement in a presentence report may include a statement from a therapist, psychologist or physician who is providing treatment to the child as to the recommendations regarding the effect that possible disposition may have on the child.</p> |
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| | <p><i>W. Va. Code Ann. § 62-12-23 [Notification of parole hearing; victim's right to be heard; notification of release on parole]</i></p> <p>(a) Following the sentencing of a person who has been convicted of murder, aggravated robbery, sexual assault in the first or second degree, kidnapping, child abuse resulting in injury, child neglect resulting in injury, arson or a sexual offense against a minor, the prosecuting attorney who prosecuted the offender shall prepare a parole hearing notification form. This form shall contain the following information:</p> <ol style="list-style-type: none"> (1) The name of the county in which the offender was prosecuted and sentenced; (2) The name of the court in which the offender was prosecuted and sentenced; (3) The name of the prosecuting attorney or assistant prosecuting attorney who prosecuted the offender; (4) The name of the judge who presided over the criminal case and who sentenced the offender; (5) The names of the law-enforcement agencies and officers who were primarily involved with the investigation of the crime for which the offender was sentenced; and (6) The names, addresses and telephone numbers of the victims of the crime for which the offender was sentenced or the names, addresses and telephone numbers of the immediate family members of each victim of the crime, including, but not limited to, each victim's spouse, father, mother, brothers, sisters and any adult household member residing with the victim. <p>(b) The prosecuting attorney shall retain the original of the parole hearing notification form and shall provide copies of it to the circuit court which sentenced the offender, the Parole Board, the Commissioner of Corrections and to all persons whose names and addresses are listed on the form.</p> <p>(c) At least forty-five days prior to the date of a parole hearing, the Parole Board shall notify all persons who are listed on the parole hearing notification form, including the circuit court which sentenced the offender, the prosecuting attorney's office that prosecuted the offender and the law-enforcement agency and officer primarily involved in the offense underlying the sentence, of the date, time and place of the hearing. Such notice shall be sent by regular mail, properly addressed and postage prepaid, by electronic mail, or by facsimile. Notice to the victims of the crime for which the offender was sentenced or the immediate family members of each victim of the crime shall be sent by certified mail, return receipt requested. The notice shall state that the victims of the crime have the right to submit a written statement to the Parole Board and to attend the parole hearing to be heard regarding the propriety of granting parole to the prisoner. The notice shall also state that only the victims may submit written statements and speak at the parole hearing unless a victim is deceased, is a minor or is otherwise incapacitated.</p> <p>(d) The panel considering the parole shall inquire during the parole hearing as to whether the victims of the crime or their representatives, as provided in this section, are present. If so, the panel shall permit those persons to speak at the hearing regarding the propriety of granting parole for the prisoner.</p> |
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| Wisconsin | <p><i>Wis. Const. art. I, § 9m [Victims of crime]</i></p> <p>....</p> <p>This state shall ensure that crime victims have all of the following privileges and protections as provided by law: ... the opportunity to make a statement to the court at disposition.</p> <p>....</p> <p><i>Wis. Stat. Ann. § 950.04 [Basic bill of rights for victims and witnesses]</i></p> <p>(1v) Rights of victims. Victims of crimes have the following rights:</p> <p>....</p> <p>(m) To provide statements concerning sentencing, disposition, or parole, as provided under ss. 304.06(1)(e), 938.32(1)(b) 1g., 938.335(3m)(ag), and 972.14(3)(a).</p> <p>(n) To have direct input in the parole decision-making process, as provided by the rules promulgated under s. 304.06 (1)(em).</p> <p>(nn) To attend parole interviews or hearings and make statements as provided under s. 304.06 (1)(eg).</p> <p>(nt) To attend a hearing on a petition for modification of a bifurcated sentence and provide a statement concerning modification of the bifurcated sentence, as provided under s. 302.113(9g)(d).</p> <p>(nx) To attend a hearing on a petition for modification of a term of probation under s. 973.09(3)(d) and provide a statement to the court concerning modification of the term of probation as provided under s. 973.09(3m).</p> <p>(o) To have information concerning the impact of a delinquent act on the victim included in a court report under s. 938.33 and to have the person preparing the court report attempt to contact the victim, as provided under s. 938.331.</p> <p>(p) To have the person preparing a presentence investigation under s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15(2m), and to view the sentence recommendation and any victim information included on the presentence investigation report, as provided in s. 972.15(4m)</p> <p>(pd) Subject to the limits set forth in s. 972.15(4r), to view portions of a presentence investigation report prepared under s. 972.15 that relate to the crime upon the victim.</p> <p>(pm) To have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim and have the information considered by the court.</p> <p>....</p> <p>(z) To make a written statement concerning pardon applications, as provided under s. 304.10 (2).</p> |

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| | <p>(zm) To request information from a district attorney concerning the disposition of a case involving a crime of which he or she was a victim, as provided under s. 971.095 (6).</p> <p>....</p> <p><i>Wis. Stat. Ann. § 972.14 [Statements before sentencing]</i></p> <p>....</p> <p>(3)(a) Before pronouncing sentence, the court shall determine whether a victim of a crime considered at sentencing wants to make a statement to the court. If a victim wants to make a statement, the court shall allow the victim to make a statement in court or to submit a written statement to be read in court. The court may allow any other person to make or submit a statement under this paragraph. Any statement under this paragraph must be relevant to the sentence.</p> <p>(b) After a conviction, if the district attorney knows of a victim of a crime to be considered at sentencing, the district attorney shall make a reasonable attempt to contact that person to inform him or her of the right to make or provide a statement under par. (a). Any failure to comply with this paragraph is not a ground for an appeal of a judgment of conviction or for any court to reverse or modify a judgment of conviction.</p> <p><i>Wis. Stat. Ann. § 304.10 [Pardon application papers; victim's statement]</i></p> <p>....</p> <p>(2) When a victim or member of the victim's family receives notice under s. 304.09(3), he or she may provide the governor with written statements indicating his or her views regarding the application and stating any circumstances within his or her knowledge in aggravation or extenuation of the applicant's guilt. Upon receipt of any such statement, the governor shall place the statement with the other pardon application papers.</p> <p>....</p> |
| Wyoming | <p><i>Wyo. Stat. Ann. § 7-21-103 [Submission of victim impact statement to sentencing court]</i></p> <p>(a) At any hearing to determine, correct or reduce a sentence, an identifiable victim of the crime may submit, orally, in writing or both, a victim impact statement to the court.</p> <p>(b) Any victim impact statement submitted to the court pursuant to this section shall be among the factors considered by the court in determining the sentence to be imposed upon the defendant or in determining whether there should be a correction or reduction of sentence.</p> <p>....</p> |

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| | <p><i>Wyo. Stat. Ann. § 7-21-101 [Definitions]</i></p> <p>(a) As used in this chapter:</p> <p>....</p> <p>(iv) “Victim impact statement” means an oral or written statement by the victim of a crime providing the information specified by W.S. 7-21-102(c).</p> <p><i>Wyo. Stat. Ann. § 14-6-503 [Rights of victims to be informed during the delinquency proceeding]</i></p> <p>....</p> <p>(d) The prosecuting attorney shall notify in writing, or in person, victims who have participated in the delinquency proceedings of an application for expungement of the juvenile’s records under W.S. 14-6-241. The victim shall be afforded the opportunity to make a statement at the hearing on the application.</p> <p>....</p> <p><i>Wyo. Stat. Ann. § 7-21-102 [Notice to crime victims]</i></p> <p>(a) If a defendant is convicted of a crime involving an identifiable victim, the district attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:</p> <p>....</p> <p>(iii) The victim’s opportunity to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant when a presentence investigation report is to be prepared;</p> <p>....</p> <p>(vi) The victim’s opportunity to make an impact statement at sentencing or at any subsequent hearing for correction or reduction of sentence; and</p> <p>....</p> <p>(c) A notice given under subsection (a) of this section shall inform the victim that his impact statement may include but shall not be limited to the following:</p> <p>(i) An explanation of the nature and extent of any physical, psychological or emotional harm or trauma suffered by the victim;</p> <p>(ii) An explanation of the extent of any economic loss or property damage suffered by the victim;</p> <p>(iii) The need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage; and</p> <p>(iv) The victim’s recommendation for an appropriate disposition.</p> |
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| | <p><i>Wyo. Stat. Ann. § 7-13-402 [General powers and duties of board; eligibility for parole; immunity]</i></p> <p>....</p> <p>(d) No person granted a parole shall be released from an institution until he has signed an agreement that he will comply with the terms and conditions under which he has been released and abide by the laws of the state. In addition, no person shall be granted a parole until the board makes a reasonable effort to notify victims who have registered to receive notification pursuant to W.S. 1-40-204(d) of the hearing and provides a reasonable opportunity for the victims to provide written comments to the board relative to the parole.</p> |
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