



Select Victims' Rights – Arkansas

This resource is intended to provide a base of knowledge regarding the crime victims' rights in Arkansas, and promising practices in ensuring compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Arkansas see the companion resource: *Law Enforcement-Based Victim Services in Arkansas: Privacy, Privilege and Confidentiality*.


The following icons are used throughout this resource to highlight key moments for the user.







= Promising Practices: As used in this *Guide*, things identified as “promising practices” are procedures, methods or techniques, grounded in victim-centered and trauma informed research and experience, which afford victims meaningful rights in the justice system.





= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.



SELECT DEFINITIONS	Arkansas Statutes
<p>Law Enforcement Agency.</p> <p>As used in . . . section [16-90-1107], ‘law enforcement agency’ includes without limitation a college or university police department.</p> <p> This definition explicitly applies to Arkansas Statutes, section 16-90-1107.</p>	<p>Ark. Code Ann. § 16-90-1107(c).</p>
<p>Member of the Victim’s Family.</p> <p>[T]he spouse, a child by birth or adoption, a stepchild, a parent, a stepparent, a sibling, or an individual designated by the victim or by a court in which the crime is being or could be prosecuted, but does not</p>	<p>Ark. Code Ann. § 16-90-1101(2).</p>




<p>include an individual who is accountable for the crime or a crime arising from the same conduct, criminal episode[] or plan</p> <p> This definition explicitly applies to Subchapter 11, Rights of Victims of Crime.</p>	
<p>Representative of the Victim.</p> <p>[A] member of the victim’s family or an individual designated by the victim or by a court in which the crime is being or could be prosecuted</p> <p> This definition explicitly applies to Subchapter 11, Rights of Victims of Crime.</p>	<p>Ark. Code Ann. § 16-90-1101(5).</p>
<p>Victim.</p> <p>[A] victim of a sex offense or an offense against a victim who is a minor and a victim of any violent crime, but does not include a person who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan and does not include a governmental entity</p> <p> This definition explicitly applies to Subchapter 11, Rights of Victims of Crime.</p>	<p>Ark. Code Ann. § 16-90-1101(8).</p>
<p>Victim.</p> <p>(11)(A) . . . [A] person who suffers personal injury or death as a result of criminally injurious conduct committed either within the State of Arkansas or against any Arkansas resident who suffers personal injury as the result of criminally injurious conduct which occurs in states presently not having crime victims reparations programs for which the victim is eligible, and further includes any Arkansas resident who is injured or killed by an act of terrorism committed outside of the United States, as defined in 18 U.S.C. § 2331.</p> <p>(B) ‘Victim’ shall also include a person who:</p>	<p>Ark. Code Ann. § 16-90-703(11)(A)-(B).</p>



<p>(i) Is the child, whether by blood, adoption, or marriage, of a victim as defined in subdivision (11)(A) of this section;</p> <p>(ii) Is an immediate family member of a deceased victim, a victim of sexual assault, or a child victim;</p> <p>(iii) Is not an immediate family member, but who resided at the time of the crime in the same permanent household as a deceased victim; or</p> <p>(iv) Discovered the body of a victim who died as the result of criminally injurious conduct</p> <p> This definition explicitly applies to Subchapter 7, Crime Victims Reparations.</p>	
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<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Arkansas Statutes</p>
<p>Law Enforcement to Provide Explanation of Victims' Rights and Information Relating to Victim Assistance, Compensation, Protection and Public Records.</p> <p>(a)(1) After initial contact between a victim or a victim's family and a law enforcement agency responsible for investigating a crime, the law enforcement agency shall promptly give the victim and, if applicable, the victim's family, a preprinted document to be known as 'Laura's Card' that clearly states the following:</p> <p>(A) An explanation of the victim's rights under this subchapter; and</p> <p>(B) Information concerning the availability of:</p> <p>(i) Assistance to victims, including medical, housing, counseling, financial, social, legal[] and emergency services;</p> <p>(ii) Compensation for victims under the Arkansas Crime Victims Reparations Act, § 16-90-701 et seq., and the name, street address[] and telephone number of the agency to contact;</p> <p>(iii) Protection of the victim, including protective court orders; and</p>	<p>Ark. Code Ann. § 16-90-1107 (a)(1)(A)-(B).</p>


<p>(iv) Access by the victim and the defendant to public records related to the case.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place, designating a specific person or persons with the responsibility of notifying victims of the above information.</p>	
<p>Law Enforcement to Provide Badge Number and Contact Information on Laura's Card.</p> <p>The law enforcement officer who provides the Laura's Card to a victim is required to provide the law enforcement officer's badge number and contact information on the Laura's Card.</p>	<p>Ark. Code Ann. § 16-90-1107(a)(2).</p>
<p>Law Enforcement to Provide Suspect's Identity.</p> <p>(b) As soon as practicable, the law enforcement agency shall give to the victim, as relevant, the following:</p> <p>(1) Information as to the suspect's identity, unless inconsistent with law enforcement purposes</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place, designating a specific person or persons with the responsibility of notifying victims of the above information.</p>	<p>Ark. Code Ann. § 16-90-1107(b)(1).</p>
<p>Law Enforcement to Provide Details of Suspect's Location.</p> <p>(b) As soon as practicable, the law enforcement agency shall give to the victim, as relevant, the following:</p> <p>. . . .</p> <p>(2) Information as to whether the suspect has been taken into custody, has escaped, or has been released[] and any conditions imposed on the release when such information has been made known to the law enforcement agency</p>	<p>Ark. Code Ann. § 16-90-1107(b)(2).</p>

 To ensure compliance with this law, a promising practice is to have policies and procedures in place, designating a specific person or persons with the responsibility of notifying victims of the above information.	
<p>Law Enforcement to Provide Case Information and Officer Contact Information.</p> <p>As soon as practicable, the law enforcement agency shall give to the victim, as relevant, the following:</p> <p>...</p> <p>The file number of the case and the name, office address[] and office telephone number of a law enforcement officer assigned to investigate the case</p>	<p>Ark. Code Ann. § 16-90-1107(b)(3).</p>
<p>Law Enforcement to Provide Prosecutor’s Contact Information.</p> <p>As soon as practicable, the law enforcement agency shall give to the victim, as relevant, the following:</p> <p>...</p> <p>The prosecuting attorney’s name, office address[] and office telephone number.</p>  To ensure compliance with this law, a promising practice is to have policies and procedures in place, designating a specific person or persons with the responsibility of notifying victims of the above information.	<p>Ark. Code Ann. § 16-90-1107(b)(4).</p>
<p>The Right of the Victim and the Representative of the Victim to Be Present When Defendant Is Present; Victims’ Right to Be Accompanied by a Support Person.</p> <p>(a) The victim or a representative of the victim may be present whenever the defendant has a right to be present during a court proceeding concerning the crime charged, other than a grand jury proceeding, unless the court determines that exclusion of the victim or the victim’s representative is necessary to protect the defendant’s right to a fair trial or the confidentiality or fairness of a juvenile proceeding.</p> <p>(b) If the victim is present, the court, at the victim’s request, shall permit the presence of an individual to provide support to the victim, unless the</p>	<p>Ark. Code Ann. § 16-90-1103(a)-(b).</p>


<p>court determines that exclusion of the individual is necessary to protect the defendant's right to a fair trial.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	
<p>Non-Disclosure of Residential and Employment Addresses.</p> <p>A court may not compel a victim or a member of the victim’s family testifying in a criminal justice proceeding to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure of the information is necessary.</p> <p> A promising practice is for law enforcement officers to be aware of this law to ensure officers do not inadvertently violate this law and victims’ rights to privacy and protection in their addresses. In addition, a promising practice is to have policies and procedures in place to protect victim addresses from public disclosure.</p>	<p>Ark. Code Ann. § 16-90-1104(a).</p>
<p>Non-Disclosure of Identifying Information of Victims of Sex Offenses.</p> <p>(b) A law enforcement agency shall not disclose to the public information directly or indirectly identifying the victim of a sex offense except to the extent that disclosure is:</p> <ul style="list-style-type: none"> (1) Of the site of the sex offense; (2) Required by law; (3) Necessary for law enforcement purposes; or (4) Permitted by the court for good cause. <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place that prohibit direct or indirect disclosure of a person’s identity who is a victim of a sex offense.</p>	<p>Ark. Code Ann. § 16-90-1104(b)(1)-(4).</p>

<p>No Employment Retaliation.</p> <p>An employer may not discharge or discipline a victim or a representative of the victim for:</p> <p>(1) Participation at the prosecuting attorney's request in preparation for a criminal justice proceeding; or</p> <p>(2) Attendance at a criminal justice proceeding if the attendance is reasonably necessary to protect the interests of the victim.</p>	<p>Ark. Code Ann. § 16-90-1105(1)-(2).</p>
<p>Prompt Return and Reasonable Care of Property.</p> <p>(a) Any person holding property of a victim shall take reasonable care of the property.</p> <p>(b) The responsible official shall promptly return the property to the victim when it is no longer needed for evidentiary purposes, unless it is contraband or subject to forfeiture.</p> <p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person that they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	<p>Ark. Code Ann. § 16-90-1106(a)-(b).</p>
<p>Victim Input in Presentence Report.</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>Ark. Code Ann. § 16-90-1111.</p>

<p>Victim Impact Statement.</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> <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> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to:</p> <p>(1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them;</p> <p>(2) submit a written victim impact statement to the court in advance of sentencing;</p> <p>(3) provide an impact statement using technology to facilitate remote attendance; and/or</p> <p>(4) play or submit an impact statement that was created using audio and video technology.</p>	<p>Ark. Code Ann. § 16-90-1112(a)-(c).</p>
<p>Minor, Incapacitated, Incompetent or Deceased Victims' Family Members Can Assert Victims' Rights.</p> <p>(a) If a victim is a minor or is incapacitated, incompetent[] or deceased, a member of the victim's family may exercise the rights of the victim under this subchapter.</p>	<p>Ark. Code Ann. § 16-90-1114(a)-(b).</p>

<p>(b) If more than one (1) member of the victim’s family attempts to exercise those rights, the court may designate which of them may exercise those rights.</p>	
<p>No Relief from Duty to Inform or Notice Victims.</p> <p>None of the provisions of this subchapter or §§ 16-21-106 and 16-93-702(b) shall be deemed to relieve any person of the duty of providing information or notices required by any other law.</p>	<p>Ark. Code Ann. § 16-90-1115.</p>
<p>Law Enforcement Agency to Have Reparations Application Forms and Provide Forms, upon Request.</p> <p>Each law enforcement agency in the state shall keep application forms prepared and provided by the Crime Victims Reparations Board and make them available to any person upon request.</p> <p> A promising practice is to notify victims, at the first opportunity, if they are required to submit a request for this right and to whom.</p>	<p>Ark. Code Ann. § 16-90-708(a).</p>
<p>Notice of Critical Events and Information after Charges Have Been Filed.</p> <p>(a)(1) The prosecuting attorneys shall, upon request, provide to a victim and the immediate family members of all homicide victims, whether or not they are witnesses in criminal proceedings, notice of critical events in the criminal justice process, which shall include, but not be limited to:</p> <p>(A) Notice of motions or hearings to establish or reduce bail or authorize other pretrial release from custody;</p> <p>(B) Notice of proceedings in which any plea agreement may be submitted;</p> <p>(C) Notice of trial;</p> <p>(D) Notice of any motion that may substantially delay the prosecution;</p>	<p>Ark. Code Ann. § 16-21-106(a)(1)-(4).</p>

<p>(E) Notice that a court proceeding for which the victim has been subpoenaed will not transpire as scheduled;</p> <p>(F) Notice of the date, time, and place of the defendant's appearance before a judicial officer;</p> <p>(G) The function of a presentence report, the name, street address, and telephone number of the agency preparing the report, and the defendant's right of access to the report;</p> <p>(H) Notice of the victim's right under this act to present a victim impact statement and the defendant's right to be present at the sentencing proceeding;</p> <p>(I) Notice of the date, time[] and place of any sentencing proceeding;</p> <p>(J) Notice of the date, time[] and place of any hearing for reconsideration of a sentence imposed;</p> <p>(K) Notice of any sentence imposed and any modification of that sentence; and</p> <p>(L) Notice of the right to receive information from the Department of Correction, Arkansas State Hospital, and any other facility to which the defendant is committed by the court.</p> <p>(2) After a prosecution is commenced, the prosecuting attorney shall promptly inform a victim of:</p> <p>(A) Relevant criminal justice procedures;</p> <p>(B) The crime with which the defendant has been charged, including an explanation of the elements of the crime, if necessary to an understanding of the nature of the crime; and</p> <p>(C) The file number of the case and the prosecuting attorney's name, office address, and telephone number.</p> <p>(3)(A) The notice may be accomplished by providing the victim or immediate family member with a telephone number to a computer notification program.</p> <p>(B) Prosecutors remain responsible for providing the notice in instances where no computer notification program exists.</p>	
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<p>(4) When an immediate family member has been charged with the homicide, that person shall not be notified in accordance with this section.</p> <p> A promising practice is to notify victims, at the first opportunity, if they are required to submit a request for this right and to whom.</p>	
<p>Confer with Victim before Altering Charges or Any Form of Disposition.</p> <p>Prosecuting attorneys shall confer with the victim before amending or dismissing a charge or agreeing to a negotiated plea or pretrial diversion.</p>	<p>Ark. Code Ann. § 16-21-106(b)(1).</p>
<p>Victim Services.</p> <p>(d) The prosecuting attorneys and deputy prosecuting attorneys shall provide the following services to victims of crimes and witnesses of crimes and the family members of all homicide victims, whether or not they are witnesses in criminal proceedings:</p> <p>(1) Assisting the persons in obtaining protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;</p> <p>(2) Assisting the persons in applying for financial assistance and other social services available as a result of being a witness or victim of a crime;</p> <p>(3) Assisting the persons in applying for any witness fees to which they are entitled;</p> <p>(4) Providing, when possible, a secure waiting area during court proceedings that does not require the persons to be in close proximity to the defendants and families and friends of the defendants and otherwise make a reasonable effort to minimize unwanted contact between the victim, members of the victim's family[] or prosecution witnesses and the defendant, members of the defendant's family[] or defense witnesses before, during, and immediately after a judicial proceeding; and</p> <p>(5) Interceding with the persons' employers to assure that the employers cooperate with the criminal justice process in order to minimize loss of pay and other benefits resulting from court appearances.</p>	<p>Ark. Code Ann. § 16-21-106(d)(1)-(5).</p>

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