

# KNOW YOUR RIGHTS AS A VICTIM

## GEORGIA'S VICTIMS BILL OF RIGHTS

### VICTIMS HAVE THE RIGHT TO

- Reasonable, accurate and timely notice of any scheduled court proceedings or any changes to such proceedings
- Reasonable, accurate and timely notice of the arrest, release or escape of the accused.
- Not to be excluded from any scheduled court proceedings involving the accused, except as otherwise provided by law.
- Be heard at any scheduled court proceedings involving the release, plea or sentencing of the accused.
- File a written objection in any parole proceedings involving the accused
- Confer with the prosecuting attorney in any criminal prosecution related to the victim.
- Restitution as provided by law.
- Proceedings free from unreasonable delay.
- Be treated fairly and with dignity by all criminal justice agencies involved in the case.
- Under certain conditions, to be notified of the accused being on an electronic release and monitoring program.
- Notified of an arrest warrant being issued for the accused.
- Notified of the accused being prohibited from contacting the victim.

### VICTIMS RESPONSIBILITY

Victims must provide to the law enforcement agency, prosecuting attorney, and custodial authority a current address and telephone number to be notified of specific actions in a criminal case against the accused, an arrest of the accused, the accused release from custody and any judicial proceeding wherein the release of the accused will be considered.

The victim has the option to waive any of the information or notification or other obligations specified under the Crime Victims Bill of Rights. A victim has the right to designate a spouse, adult child, parent, sibling or grandparent to act on behalf of him or her, when the victim is physically unable to personally assume the rights under the law.

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*The Crime Victims Bill of Rights mandates that the criminal justice system provide service notification of the case to crime victims throughout all phases of the criminal justice process. The Crime Victims Bill of Rights outlines the responsibilities of victims, law enforcement and the judiciary in providing crime victims the rights available incorporated in the context of the criminal justice system. Victims of the following crimes should be notified:*

- Crimes against persons
- Sex Crimes
- Burglary
- Arson
- Forgery
- Sale or distribution of Harmful Materials to Minors
- Homicide by Vehicle
- Feticide by Vehicle
- Serious Injury by Vehicle

### PAGE GUIDE

Page 1  
*Victims' Rights and Responsibilities*

Page 2  
*Responsibility of Law Enforcement and Prosecution*

Page 3  
*Responsibility of Victim with Prosecution and Custodial Responsibility*

## LAW ENFORCEMENT RESPONSIBILITY

After a victim has made initial contact with law enforcement and court personnel, they shall make the following information available to the victim:

- That it is possible the accused may be released from custody prior to trial.
- That the victim has certain rights during the various stages of the criminal justice process.
- That if an arrest of the accused is made, the arresting agency must advise the investigating agency, if different, from the arresting agency. The investigating agency, upon receipt of that information, must promptly notify the victim of the arrest.
- That additional information about the Victims Bill of Rights can be obtained by the contacting the Criminal Justice Coordinating Council at 404-567-1956, 1-877-231-6590 or 404-463-7650 (TTY).
- That victim of a violent crime can apply for compensation under the Crime Victims Compensation Program by calling 404-657-2222, 1-800-547-0060 or 404-463-7650 (TTY).
- That a victim may have available to them Community Based Victim Service Programs and more information may be obtained by contacting the Governor's Victim Assistance Help line at 1-800-338-6745.

## PROSECUTION RESPONSIBILITY

During the prosecution phase of the criminal justice process, the prosecuting attorney has many requirements to keep a victim informed. It is the victim's responsibility to provide a current address and telephone number for the prosecuting attorney to supply the victim with the following:

- Advise the victim that he or she has the right to be present at all criminal proceedings in which the accused has the right to be present.
- Explain the procedural steps in processing a criminal case. Inform the victim of his or her rights under the law. Suggest procedures a victim should utilize if he or she is subjected to threats or intimidation and provide numbers and contact persons at the prosecuting attorney's office and custodial authority (If applicable).
- Notify the victim prior to any proceeding in which the release of the accused will be considered, and offer the victim the opportunity to express his or her opinion regarding the release of the accused.
- Afford the victim the opportunity to express his or her opinion regarding the release of the accused pending a judicial hearing.
- Advise the victim that if a court grants the accused a pretrial release or bond that the victim may file a written complaint at which time the prosecuting attorney may move the court to revoke that action.
- Advise the victim that he or she has the right to wait during judicial proceedings in an area separate from the accused and his or her relatives, friends and witnesses. If such an area is not practical, the victim may request that the court minimize such contact.
- The court may, under certain circumstances, order that the victim's current address, telephone number or place of employment not be released to the defendant by anyone including defense counsel.
- The prosecuting attorney must offer the victim the opportunity to express his or her opinion regarding the disposition of an accused's case if it is a product of a plea bargain or it involves the accused's participation in a pretrial or post trial diversion program.
- The prosecuting attorney must advise the victim which custodial authority he or she must provide a current telephone number and address.

## THE VICTIMS RESPONSIBILITY WITH PROSECUTION

The victim must make a request in writing to the prosecuting attorney to be notified of the following:

- Whether the accused has filed a motion for a new trial or an appeal to his or her conviction.
- Whether the accused has been released pending disposition of the above described motion or appeal.
- Notify the victim of the time and place of any appellate court proceedings relating to the motion or appeal and of any subsequent changes in the time and place of those proceedings.

In addition to the written request to the prosecuting attorney, the victim is responsible to provide a current telephone and address to the following agencies to receive notification information:

- The investigating law enforcement agency.
- The prosecuting attorney, until final disposition or completion of the appellate and post-conviction process, whichever occurs later; and as directed by the prosecuting attorney
- The sheriff if the accused is in a sheriff's custody for pretrial, trial or post conviction proceedings.
- The Department of Corrections if the accused is in the custody of the State.
- Any county correctional facility if the defendant is sentenced to serve time in a facility which is not a State facility
- The State Board of Pardons and Paroles.

## CUSTODIAL RESPONSIBILITY

Upon conviction, the offender may be sentenced to a variety of alternatives, which may require that he or she be incarcerated. Even if the offender is incarcerated, he or she may be paroled before the time period for confinement has lapsed. Throughout these steps, a victim also has certain rights. These rights include:

- If the custodial authority is a county or municipal jail the custodial authority must provide a prompt notification to the victim by telephoning the victim to the current telephone number supplied by the victim advising of the release of an accused.
- If the custodial authority is a State correctional facility all current State laws apply regarding notification.
- The State Board of Pardons and Paroles must provide the victim with twenty (20) days advance notification whenever it considers making a decision to grant parole or any other clemency action of more than sixty (60) days, and allow the victim to file a written objection to such an action.

This Information was provided by the

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