

VICTIMS'
BILL OF RIGHTS ACT OF 2008:
**MARSY'S
LAW**

In California, victims of crime have state constitutional standing and rights that guarantee that their voices will be heard.

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008 known as Marsy's Law, a measure that amended the California Constitution to include a Bill of Rights for crime victims in California. The amendment provides victims with rights and access to justice.

As a victim in a criminal case, you are entitled to the following rights under the California Constitution.

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or

- any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
 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.
 11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
 12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
 13. To restitution.
 - a. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - b. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - c. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
 14. To the prompt return of property when no longer needed as evidence.
 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.
 16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
 17. To be informed of the rights enumerated in paragraphs (1) through (16).

Please be advised that criminal cases may be resolved as early as the first court appearance.



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The District Attorney's Office can assist crime victims. For more information, please call the Bureau of Victim Services at (800) 380-3811.

2008 年受害者权利法案:

玛西法案

在加州，犯罪受害者享有州宪法规定的地位和权利，保证他们的声音能够被听到。

在 2008 年 11 月 4 日，加州人民批准了第 9 号提案，即称为《玛西法案 (Marsy's Law)》的《2008 年受害者权利法案》，这项法案修正了加州宪法，纳入了针对加州犯罪受害者的权利法案。该修正案为受害者提供了诉诸司法的权利和机会。

作为刑事案件的受害者，根据加州宪法，您有权享有以下权利。

1. 在整个刑事或青少年司法程序中，受到公平对待，隐私和尊严得到尊重，并免受恐吓、骚扰和虐待。
2. 受到合理保护，免受被告和代表被告行事的人的伤害。
3. 在确定被告的保释金数额和释放条件时，考虑受害者和受害者家庭的安全。
4. 防止向被告、被告的律师或任何其他代表被告行事的人披露机密信息或记录，这些信息或记录可能被用来定位或骚扰受害者或受害者的家庭，或者这些信息或记录泄露在医疗或咨询治疗过程中进行的机密沟通，或者这些信息或记录在其他方面依法享有特权或保密。
5. 拒绝被告、被告的律师或任何其他代表被告行事的人提出的面谈、作证或取证要求，并对受害者同意的任何此类面谈的进行设定合理的条件。
6. 应要求收到有关逮捕被告、提出的指控、是否引渡被告的决定的合理通知，并在检察官知道的情况下与检察机关进行合理协商，并应要求在案件的任何审前处置之前被通知和告知。
7. 应要求收到所有公开诉讼程序（包括被告和检察官有权出席的刑事诉讼程序）以及所有假释或其他定罪后释放诉讼程序的合理通知，并出席所有此类诉讼程序。

8. 在任何涉及逮捕后释放决定、抗辩、量刑、定罪后释放决定的诉讼程序（包括任何刑事诉讼程序）中，或在任何涉及受害者权利的诉讼程序中，应要求进行陈述。
9. 让案件得到迅速审理，并快速获得案件和任何相关判决后诉讼程序的最终结论。
10. 在对被告进行判决之前，向进行量刑前调查的缓刑部门官员提供有关犯罪对受害者及受害者家庭的影响的信息，以及任何量刑建议。
11. 应要求，在被告获得量刑前报告时收到该报告，但法律规定的保密部分除外。
12. 应要求，被告知被告的定罪、量刑、监禁地点和时间或其他处置情况；被告的预定释放日期；以及被告从拘留所释放或逃离情况。
13. 获得赔偿。
 - a. 加州人民的明确意图是，所有因犯罪活动而遭受损失的人都有权向造成他们损失的被定罪者寻求并确保获得赔偿。
 - b. 在犯罪受害者遭受损失的每一个案件中，无论判决或处置情况如何，都应责令被定罪的不法行为人进行赔偿。
 - c. 从任何被责令进行赔偿的人那里收到的所有货币付款、现金和财产应首先用于支付被责令赔偿给受害者的金额。
14. 当不再需要作为证据时，迅速归还财产。
15. 被告知所有的假释程序，参与假释过程，向假释当局提供要在罪犯假释前考虑的信息，并应要求收到罪犯被假释或其他释放情况的通知。
16. 在做出任何假释或其他判决后释放决定之前，考虑受害者、受害者家庭和公众的安全。
17. 被告知第 (1) 至 (16) 条中列举的权利。



NATHAN J. HOCHMAN

地方检察官

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地方检察官办公室可以协助犯罪受害者。有关更多信息，
请致电 (800) 380-3811 联系受害者服务局。

请注意，刑事案件最早可能在第一次出庭时就得到解决。