

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 年受害者權利法案：

瑪西法案

在加州，犯罪受害者擁有州憲法規定的地位與權利，這保證他們的聲音能夠被聽到。

在 2008 年 11 月 4 日，加利福尼亞州人民核准了第 9 號提案，即被稱為《瑪西法案 (Marsy's Law)》的《2008 年受害者權利法案》，這項法案修訂了加州憲法，為加州的犯罪受害者制定了權利法案。該修正案為受害者提供了權利以及訴諸司法的機會。

根據加州憲法，刑事案件的受害者享有以下權利。

1. 在整個刑事或青少年司法過程受到公平對待，隱私與尊嚴得到尊重，同時免於恐嚇、騷擾與虐待。
2. 受到合理的保護，不受被告及代表被告行事者的影響。
3. 在確定被告的保釋金數額與釋放條件時，考慮到受害者及受害者家屬的安全。
4. 防止向被告、被告律師或代表被告行事的任何其他人士揭露機密資訊或紀錄，否則這些資訊或紀錄可能被用於找尋或騷擾受害者或受害者的家人，或揭露醫療或諮詢過程的機密通信，或法律規定的其他特權或機密。
5. 拒絕被告、被告律師或代表被告行事的任何其他人士的面談、口供證詞或證據開示要求，並就進行受害者同意之任何此類面談設定合理的條件。
6. 在提出要求後，就被告之逮捕（如檢察官知情）、提出之指控、是否引渡被告之決定獲得檢察機關的合理通知，同時與檢查機關進行合理討論；以及在提出要求之後，在案件的任何審前處分之前獲得通知並保持知情。
7. 在提出要求之後，獲得所有公開訴訟程序的合理通知，包括被告與檢察官有權出席的青少年違法犯罪訴訟程序，以及獲得所有假釋或其他定罪後釋放訴訟程序的通通知，並出席所有此類訴訟程序。

8. 在提出要求之後，出席任何訴訟程序進行陳述，包括涉及逮捕後釋放決定、認罪、判刑、定罪後釋放決定的任何青少年違法犯罪訴訟程序，或者涉及受害者權利的任何訴訟程序。
9. 獲得案件與任何相關判決後訴訟程序的迅速審判，以及及時與最終結案。
10. 在被告判決之前，向正在進行判刑前調查的緩刑部門官員提供關於犯罪影響受害者及受害者家人的資訊，以及任何判刑建議。
11. 在提出要求之後，跟被告取得相同的判刑前報告，惟法律保密的部分除外。
12. 在提出要求之後，獲知被告的定罪、判刑、監禁地點與時間或其他處分，被告的預定釋放日期，以及被告釋放或越獄的情況。
13. 獲得補償。
 - a. 加利福尼亞州人民的明確意圖是，因犯罪活動而遭受損失的所有人，均有權利向造成此類損失之被定罪者尋求及獲取補償。
 - b. 在犯罪受害者遭受損失的每樁案件，無論判刑或處分方式如何，都應命令被定罪之不法行為人加以補償。
 - c. 從被命令進行補償之任何人收取的所有金錢付款、款項與財產，應首先依命令向受害者支付補償金額。
14. 及時取回不再需要作為證據的財產。
15. 獲知所有假釋程序，參與假釋流程，在罪犯假釋之前向假釋當局提供資訊供參考，以及在提出要求之後，得知罪犯的假釋或其他釋放情況。
16. 在做出任何假釋或其他判決後釋放的決定之前，請當局考慮受害者、受害者家人以及公眾的安全。
17. 知悉第 (1) 至 (16) 段所列舉之權利。



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地方檢察官

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地方檢察官辦公室可以幫助犯罪受害者。如欲瞭解更多資訊，請致電 (800) 380-3811 聯絡受害者服務局。

請注意，在刑事案件中，案件可能在首次出庭時得以解決。