

## **Victims' Bill of Rights Act of 2008:**

# **MARSY'S LAW**



**Jackie Lacey**  
**District Attorney**  
**Los Angeles County**

## **VICTIMS' BILL OF RIGHTS:**

**A**s a victim in a criminal case, you are entitled to the following rights under Article 1, §28(b) of the California Constitution.

**(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:

- (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.

**(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.**

## 2018受害者权利法案：

# 玛西 法案



Jackie Lacey  
洛杉矶县  
地方检察官

## 受害者权利法案：

# 依

据加利福尼亚州宪法第1条 § 28(b)，刑事案件中的受害者拥有下列权利。

(b) 为了保留并保护受害者的司法权和正当法律程序权，受害者拥有下列权利：

- (1) 受公正对待，隐私和尊严受尊重，不受恐吓、骚扰、辱骂，贯穿刑事或青少年司法程序。
- (2) 受到合理保护，免受被告及代表被告行事之人的伤害。
- (3) 拥有确定保释金金额和被告释放条件时所需考虑的受害人和受害人家人的安全权。
- (4) 防止将按照法律可能会被用于定位或骚扰受害者或受害者家人、医疗或咨询过程中泄露保密通信方式、或其他特权或保密的信息或记录泄露给被告、被告律师或任何代表被告行事之人。
- (5) 拒绝按照被告、被告律师或任何代表被告行事之人的要求进行面谈、提供证词或证据，为受害者同意进行的此类面谈设定合理条件。
- (6) 就检察官所知的被告逮捕、起诉罪名、是否引渡被告的裁定，按照要求合理获知、合理与检察机构协商，在案件审前裁定之前按照要求接到通知。

(7) 按照要求合理获知包括犯罪诉讼在内的被告和检察官有权出席的所有公开诉讼，合理获知所有假释或其他定罪后释放诉讼，出席所有此类诉讼。

(8) 按照要求参加包括犯罪诉讼（涉及逮捕后释放决定、辩护、量刑、定罪后释放决定）或具有争议性的受害者权利诉讼在内的所有诉讼听证。

(9) 案件快速审理、即刻和最终裁定以及任何相关判决后诉讼。.

(10) 向缓刑部门根据对受害者和受害者家人的侵害影响程度和被告量刑之前所有量刑建议考虑而进行预量刑调查的官员提供信息。

(11) 按照要求接收被告预判报告，按照法律需保密的部分除外。

(12) 按照要求获知定罪、判决、位置、监禁时间或其他对被告的裁定、被告计划释放日期、被告人从拘留所释放或逃离的日期。

(13) 赔偿。

(14) 及时退还不再需要用作证据的财物。

(15) 获知所有假释流程、参加假释程序、向假释机关提供违法者假释之前所需考虑的信息、按照要求获知违法者假释或其他释放信息。

(16) 拥有在任何假释或其他判决后释放决定做出之前所需考虑的受害者、受害者家庭以及公众的安全权。

(17) 获知 (1) - (16) 段所列举的权利。

谨通知，刑事案件可能在第一次出庭之时就可予以裁定。