

## VICTIM NOTIFICATION AND BILL OF RIGHTS

1. As the victim of a crime in Oklahoma, you have the following rights:
2. To be notified that a court proceeding to which a victim or a witness has been subpoenaed will or will not go on as scheduled in order to save the person an unnecessary trip to court.
3. To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts and to be provided with information as to the level of protection available and how to access protection.
4. To be informed of financial assistance and other social services available as a result of being a witness or a crime victim, including information on how to apply for and receive a witness fee to which the victim or witness is entitled.
5. To be provided, whenever possible, a secure waiting area during court proceedings that does not require close proximity to defendants and families and friends of the defendant.
6. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, (except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is in dispute) shall be returned to the person.
7. To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
8. To have the family members of all homicide victims afforded all of the services under this section, whether or not the person is to be a witness in any criminal proceedings.
9. To be informed of any plea bargain negotiations.
10. To have victim impact statements filed with the judgment and sentence.
11. To be informed in writing of all statutory rights.
12. To be informed that when any family member is required to be a witness by a subpoena from the defendant there must be a showing that the witness can provide relevant testimony as to the guilt or innocence of the defendant before the witness may be excluded from the proceeding by invoking the rule to remove potential witnesses.
13. To be notified of Pardon and Parole Board actions if you request notification by them.
14. To be informed in any felony cases involving violent crime of sex offenses when pretrial proceedings may substantially delay prosecution.

## **Oklahoma Crime Victim/Witness Bill of Rights**

You, as a witness or victim, have the right to know the status of the case in which you are involved.

You have the right to know when property that might be held as evidence can be returned to you.

You have the right to receive a witness fee when you are subpoenaed to Court.

You have the right to be informed of existing Victim Compensation Laws and the right to ask for compensation under those laws.

You have the right to be informed of social services available in your area.

You, as a witness for the State of Oklahoma, have a right to receive protection from harm and/or intimidation.

You have the right to be informed, to appear and to be heard before the Pardon and Parole Board when the defendant in your criminal case is going to be reviewed for parole. You have the right to be notified when the criminal has escaped or when they are released from prison (if you have registered with VINE).

You have the right to expect that criminals will not profit from their criminal actions, for their past conduct, or from any future recital of that conduct.

You have the right to sue in a civil court any person who commits a crime against you.

You have the right to participate in the criminal justice system designed to protect you.

## Oklahoma Victim's Rights Constitutional Amendment

To preserve and protect the rights of victims to justice and due process, and ensure that victims are treated with fairness, respect and dignity, and are free from intimidation, harassment, or abuse, throughout the criminal justice process, and victim or family member of a victim of a crime has the right to know the status of the investigation and prosecution of the criminal case, including all proceedings wherein a disposition of a case is likely to occur, and where plea negotiations may occur. The victim or family member of a victim of crime has the right to know the location of the defendant following an arrest, during a prosecution of the criminal case, during a sentence to probation or confinement. The victim or family member of a victim of a crime has a right to be present, to be heard at any sentencing or parole hearing, to be awarded restitution by the convicted person for damages or losses as determined and ordered by the court, and to be informed by the state of the constitutional rights of the victim.

An exercise of any right by a victim or family member of a victim or the failure to provide a victim or family member of a victim any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

The Legislature, or the people by initiative or referendum, has the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings and if enacted by the Legislature, youthful offender proceedings.

The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage other rights granted by the Legislature or retained by victims.

[1] Added by the State Question No. 674, Legislative Referendum No. 304, adopted at election held November 5, 1996.