



OFFICE OF THE WASHINGTON COUNTY ATTORNEY

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VICTIM AND WITNESS BILL OF RIGHTS

The Utah Legislature has passed a number of provisions in a continuing attempt to afford victims the rights they deserve. In 1994 numerous groups and citizens rallied together to support and pass a Victims' Rights Amendment to the state constitution. These efforts have culminated in working toward the end result we all are striving to reach, "balancing the scales of justice."

A summary of those rights are as follows:

1. Victims have the right "to be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process."
2. Victims have rights in relation to "important criminal justice hearings" which include preliminary hearings, arraignments, disposition of charges, conditions of release/bail hearings, trials, sentencing hearings, and parole hearings. a) Victims have the right, upon request, to be informed of all important criminal justice hearings. b) Victims have the right to be present at and to be heard at arraignments, disposition of charges, conditions of release/bail hearings, and sentencing hearings. c) Victims have the right to be present at (but not to be heard at) preliminary hearings and trials. d) These rights apply to all felonies in adult courts and to juvenile cases involving offenses that would be felonies if committed by an adult.
3. Victims and witnesses have the right to reasonable employer intercession services to minimize loss of pay and benefits.
4. Victims and witnesses have the right to be informed as to the level of protection available to protect them from intimidation and harm.
5. Victims and witnesses have the right to a secure waiting area that does not require them to be in close proximity to defendants and offenders.
6. Victims have a right to privacy and should not be forced to disclose their address, telephone number, place of employment, or other locating information, without compelling reason.

7. Victims have the right to have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider reliable information concerning the background, character and conduct of those convicted.
8. Victims have the right to restitution when appropriate and may also be eligible for reparations.
9. Victims have a right to a speedy trial and disposition of charges.

Additional Rights for Children

1. The right to have interviews relating to a criminal prosecution kept to a minimum.
2. The right to be questioned in a manner that is appropriate to the child's age and understanding. The right not to be questioned in a manner that implies they are responsible for the inappropriate behavior of adults.
3. The right to protection from physical and emotional abuse during their involvement with the criminal justice process.
4. The right to be informed of available community resources and how to gain access to those resources.