

Victims' Rights and Services

An Overview for New Legislators



Victims' Rights and Services: An Overview for New Legislators

Victims' rights and services are a perennial issue before state lawmakers and often are a priority concern of their constituents. Veteran legislators, as well as those new to a state legislature, benefit from being familiar with and up-to-date on policies that affect crime victims. This audio program highlights key areas of victims' rights and services law and how actions of state legislatures continue to improve, expand and enforce these laws. It provides members new to criminal justice or judiciary committees- and others- with the basic tenets of victims' law. It draws from the discussions of legislators, agency heads and other criminal justice system officials at various NCSL forums, as well as from NCSL research, to describe basic victims' measures in the states.

The program is narrated by NCSL Staff Coordinator, Vicky McPheron.

Audio Program Participants



John W. Gillis has been director of the Office for Victims of Crime (OVC) since September 2001. Gillis has a long and distinguished career in law enforcement and victim advocacy. He helped found Justice for Homicide Victims, the Coalition of Victims Equal Rights and Victims and Friends United. Mr. Gillis is a member of the California State Bar Association's Crime Victims and Corrections Committee.

Representative Janice Pauls of Kansas has served in the Kansas Legislature since 1991. She is a member of the Corrections and Juvenile Justice and the Corrections and Juvenile Justice Oversight committees. She is a vice chair of NCSL's Law and Criminal Justice Standing Committee.



Senator Tim Bee has served in the Arizona State Senate since 2001. He is the current Senate Majority Leader and vice chairman of the Rules Committee. Senator Bee is a member of American Legislative Exchange Council and serves on the Executive Committee of the Council of State Governments. He also is a member of the Congressional Congress on Civic Education and the Council of State Governments Border Legislative Conference.



Representative Peg Flory was first elected to the Vermont House of Representatives in 1998 and is the current House Minority Leader. She serves as chairman of the Judicial Nominating Committee and as a member of the Corrections Oversight Committee, the Judicial Rules Committee, and the Judicial Retention Committee. She has had a significant role in restitution enforcement and improvement in her state.

Representative William VanRegenmorter served in the Michigan House of Representatives from 1982 to 1986 and served in the State Senate from 1990 through 2002, where he was chairman of the Senate Judiciary Committee and was the Senate Majority Whip. Re-elected to the House, he is now the House Judiciary Chairman. He is the author of that state's comprehensive Crime Victim's Rights Act. He was named National Legislator of the Year by the National Center for Victims of Crime.



Susan Herman is the former executive director of the National Center for Victims of Crime. A recognized authority on victims, Herman has spoken on their behalf before the U.S. Congress and for numerous groups. Ms. Herman currently is writing a book about parallel justice and consults nationally on issues related to victims of crime

Bill Ritter Jr. was the district attorney for Denver, Colorado, from 1993-2004 and now is a partner with the Denver-based law firm of Hogan and Hartson, LLP. His national leadership and vision in criminal justice includes an effort he led in Denver to ensure that all entities and personnel in the system were collaborating on victims' rights and services



Sarah Brown Hammond is a program principal at NCSL. She has worked in the Criminal Justice Program for three years, specializing in victims' rights and services issues. She received her law degree from the University of Denver College of Law and has been admitted to the Colo-

Vicky R McPheron, staff coordinator in the Criminal Justice Program at NCSL, has worked for NCSL 11years. She received her bachelor's degree from the University of Nebraska-Lincoln



Also Included

The program also includes commentary from former Hawaii Representative Eric Hamakawa; Representative David Welch of New Hampshire; and Dennis Maloney, president of Community Justice Associates, a private criminal justice consulting firm in Oregon.

Track 1: Introduction

Provides an overview of the evolution of criminal justice systems to include victims' rights and services. Highlights the amount and types of state laws that provide a role for and services to crime victims.

Track 2: Issue Areas

Introduces the various areas of victim's right law, including:

- **Participation:** Highlights victim participation as the cornerstone of crime victims' rights in the states. Describes the different forms of victim participation. Also discusses emerging areas of law that give victims more visibility in the courtrooms and in other stages of the proceedings.
- **Protection:** Explains "reasonable protections" provided to victims under state laws, including safety from intimidation and confidentiality. Also discusses recent legislative trends in the area of victim protection, including employment rights and rights given to victims when in the courtroom.
- **Notification:** Discusses victim notification as a means to encourage victim input and participation and as an important element in putting victim rights on par with that of defendants. Highlights the automated VINE system, which stands for Victim Information and Notification Everyday.
- **Restitution:** Speaks to the significance of restitution in criminal cases for victims. Focuses on how states in recent years have worked to improve the enforceability and broaden the scope of restitution, including making restitution enforceable in the same manner as any other civil judgment.
- **Compensation:** Discusses the importance of victim compensation to victims of crime and the categories of harm states typically cover. Speaks to the areas in which states are improving and expanding crime victims' compensation.
- **Special Categories of Victims:** Explains separate statutory provisions for certain categories of victims, such as the elderly, children and sexual assault victims. Highlights laws in several states to provide victims of juvenile offenders or mentally ill perpetrators the same rights as other victims.

Track 3: Compliance and Measuring Victim Satisfaction

Discusses the challenges of enforcing victims' laws and provides examples of state approaches to enforce, measure and hold the system accountable for rights and services to crime victims. Highlights recent enforcement legislation passed in the states and other efforts to ensure victim satisfaction in the system, such as through justice system report cards and victim satisfaction surveys.

Track 4: Conclusion

Provides a brief summary of NCSL's partnership with the federal Office for Victims of Crime.

About This Project

NCSL/OVC Project Information

In 2002, the National Conference of State Legislatures (NCSL) partnered with the federal Office for Victims of Crime on a State Legislators' Victim Education project. The project is designed to expand NCSL's capacity to provide information and training to members and staff of state legislatures as they review and revise laws that respond to the needs of victims of crimes. Products and events inform legislators about the effects of crime upon victims and their families and provide the legislators with information to help enhance their work.

The project is carried out by NCSL's Criminal Justice Program in Denver, Colorado. For more information, contact:

Sarah Hammond at (303) 364-7700, ext. 1361, or sarah.hammond@ncsl.org

Resources

- The Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice
(202) 307-5983; <http://www.ojp.usdoj.gov/ovc/>
- The National Center for Victims of Crime
(202) 467-8700; <http://www.ncvc.org/ncvc/Main.aspx>

Appendix: Statute Citations to Referenced Legislation

Participation:

Ala. Code §15-14-55
La. Rev. Stat. Ann. CE615
N.H. Rev. Stat. Ann. 21-M:8-K II-2
Ill. §725 ILCS 120/6

Notification:

Conn. Gen. Stat. ch. 961, §54-85g
Fla. Stat. §960.0021
Nev. Rev. Stat. §178.5689
Ill. §730 ILCS

Compensation:

Kan. Stat. Ann. §74-7305
Cal. Govt. Code Chapter 895 §1.4

Restitution:

Del. Code Ann. tit 11, §4204
Cal. Penal Code §1202.4
Vt. Stat. Ann. tit. 13, §5362

Special Category of Victims:

Conn. Gen. Stat. §19(a)-112d and Conn.
Gen. Stat. §54-143c
Ky. Rev. Stat. §216B.400
Colo. Rev. Stat. §18-3-407

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