

ND Crime Victim's Rights Card **Marsy's Law**

12-8-2016

IF YOU ARE a victim of crime you have the following rights:

The right to be treated with fairness and respect for the victim's dignity.

The right to be free from intimidation, harassment and abuse.

The right to be reasonably protected from the accused and any person acting on behalf of the accused.

The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions.

The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records.

The right to privacy, which includes the right to refuse an interview, deposition or other discovery request made by the defendant, the defendant's attorney, or any person acting on behalf of defendant, and to set reasonable conditions on the conduct of any such interaction to which the victim consents. Nothing in this section shall abrogate a defendant's Sixth Amendment rights under the United States Constitution nor diminish the State's disclosure obligations to a defendant.

The right to reasonable, accurate and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication and disposition, and any proceeding during which a right of the victim is implicated.

The right to be promptly notified of any release or escape of the accused.

The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding during which a right of the victim is implicated.

The right, upon request, to confer with the attorney for the government.

The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any pre-sentence or disposition investigation or compiling any pre-sentence investigation report or recommendation

regarding, and to have any such information considered in any sentencing or disposition recommendations.

The right, upon request, to receive a copy of any report or record relevant to the exercise of a victim's right, except for those portions made confidential by law or unless a court determines disclosure would substantially interfere with the investigation of a case, and to receive a copy of any pre-sentence report or plan of disposition when available to defendant or delinquent child.

The right, upon request, to the prompt return of the victim's property when no longer needed as evidence in the case.

The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal or delinquent conduct. All monies and property collected from any person who has been ordered to make restitution shall be first applied to the restitution owed to the victim before paying any amounts owed to the government.

The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings.

The right, upon request, to be informed of the conviction, adjudication, sentence, disposition, place and time of incarceration, detention or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody or commitment.

The right, upon request, to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole authority shall extend the right to be heard to any person harmed by the offender.

The right, upon request, to be informed in a timely manner of any pardon, commutation, reprieve or expungement procedures, to provide information to the Governor, the court, any pardon board and other authority in these procedures, and to have that information considered before a decision is made, and to be notified of such decision in advance of any release of the offender.

The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights.

YOU MUST AFFIRMATIVELY ASSERT THESE RIGHTS WITH THE PROSECUTOR HANDLING YOUR CASES

Resources

North Dakota State's Attorneys Offices

<http://ndsaa.org/directory/>
701-241-5500

North Dakota Victim Assistance Association

<http://ndvaa.org/your-local-provider.html>
Cass County: 701-241-5850

CAWS North Dakota

www.cawsnorthdakota.org
701-255-6240

**Department of Corrections and
Rehabilitation - Victim's Services**

<https://www.nd.gov/docr/programs/victims/vicservices.html>
701-328-6783
1-800-563-4410

ND Crime Victim's Compensation

<https://www.nd.gov/docr/programs/victims/viccomp.html>
701-328-6390