

GEORGIA CRIME VICTIMS' BILL OF RIGHTS

O.C.G.A. § 17-17-1

VICTIMS HAVE THE RIGHT:

- To be treated fairly and with dignity by all criminal justice agencies involved in the case
- To proceedings free from unreasonable delay
- To be notified of the availability of Victims Compensation, which is available under the Georgia Crime Victims Compensation Program at (800) 547-0060 or www.cjcc.ga.gov
- To be notified of the Georgia Crime Victims Bill of Rights
- To be notified of community based victim service programs
- To reasonable, accurate and timely notice of the following:
 - » An arrest warrant being issued for the accused
 - » The accused's arrest
 - » The condition that the accused is prohibited from contacting the victim
 - » The accused's release or escape from custody
 - » Any court proceeding where the release of the accused will be considered
 - » Any scheduled court proceedings or any changes to such proceedings, including restitution hearings
 - » The accused's release on an electronic release and/or monitoring program
- To be present at all criminal proceedings in which the accused has the right to be present
- To NOT be excluded from any scheduled court proceedings, except as provided in O.C.G.A. §17-17-1 or otherwise provided by law
- To a waiting area, during judicial proceedings, that is separate from the accused and his or her relatives, friends and witnesses
- To be reasonably heard at any scheduled court proceedings involving the release, plea or sentencing of the accused
- To complete a Victim Impact Statement and have it presented to the court prior to the trial or plea of the accused (O.C.G.A. 17-10-1.1)
- To restitution as provided by law
- To refuse to submit to an interview by the accused, accused's attorney or agent of the accused
- To a requirement by court that defense counsel not disclose victim information to the accused (17-17-10)
- To be notified by the Department of Behavioral Health and Developmental Disabilities (DBHDD) if the accused is committed to the DBHDD for an evaluation, as mentally incompetent to stand trial or as not guilty by reason of insanity at the time of the crime. Upon the written request of the victim, at least ten days before the release or discharge, the department shall mail notice to the victim of the accused release from such facility.
- To request not to receive any form of written, text, or electronic communication from an inmate who was convicted of a criminal offense against the victim
- To be advised on how to file a complaint with the Judicial Qualification Commission if a judge denies the victim's right to be heard.



Victim's Role

Victims must provide to the law enforcement agency, prosecuting attorney, and custodial authority a current address and telephone number to be notified of specific actions in a criminal case against the accused.

1. It is the right and the responsibility of the victim who desires notification under this chapter or any other notification statute to keep the following informed of the victims' current address and phone number:
 - The investigating law enforcement agency
 - The prosecuting attorney
 - The department of corrections (if the accused is in the custody of the state) or any county correctional facility
 - The state board of pardons and paroles
2. The victim has the option to waive any of the information or notification or other obligations specified under the crime victims bill of rights.
3. A victim has the right to designate a spouse, adult child, parent, sibling or grandparent to act on behalf of him or her, when the victim is physically unable to personally assume the rights under the law.
4. If the victim has been trafficked for labor or sexual servitude (as defined in code section 16-5-46), they have the right to be notified of the availability of compensation through the federal government pursuant to 22 U.S.C. SECTION 7105.



Law Enforcement's Role

Upon initial contact with a victim, all law enforcement and court personnel shall make available to the victim the following information written in plain language:

1. The possibility of pretrial release of the accused
2. The victim's rights and role in the stages of the criminal justice process
3. The means by which additional information about these stages can be obtained
4. The availability of victim compensation, which is available under the Georgia Crime Victims Compensation Program at (800) 547-0060 or www.cjcc.ga.gov
5. The availability of community based victim services programs
6. Whenever possible, the investigating law enforcement agency shall give to a victim prompt notification as defined in paragraph (9) of Code Section 17-17-3 of the arrest of the accused.
7. Whenever possible, the custodial authority shall give prompt notification to a victim of the release of the accused.



Prosecutor's Role

1. Whenever possible, the prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the release of the accused pending judicial proceedings.
2. Victims have the right to confer with the prosecuting attorney in any criminal prosecution related to the victim.
3. The prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the disposition of an accused's case, including the view of the victim regarding:
 - » Plea or sentence negotiations
 - » Participation in pretrial or post-conviction diversion programs.
4. Victims have the right to notification, by the prosecuting attorney, of the procedural steps in processing a criminal case including the right to restitution, the rights and procedures of victims under the law and suggested procedures if the victim is subjected to threats or intimidation.
5. Upon the written request of the victim, the prosecuting attorney shall notify the victim of the following:
 - » That the accused has filed a motion for new trial, an appeal of his or her conviction, or an extraordinary motion for new trial;
 - » Whether the accused has been released on bail or other recognizance pending the disposition of the motion or appeal;
 - » The time and place of any appellate court proceedings relating to the motion or appeal and any changes in the time or place of those proceedings; and
 - » The result of the motion or the appeal.



Department of Corrections' Role

1. Whenever possible, the custodial authority shall give prompt notification to a victim of the accused's release from custody of the state or any county correctional facility.
2. Whenever practical, the custodial authority shall provide notification to a victim of an escape by the accused and his or her subsequent rearrest.
3. The Department of Corrections shall provide, to the prosecuting attorneys, the procedures a victim shall follow in order to block inmate mail. If a victim submits a request to block inmate mail, the Department of Corrections shall notify the custodial authority and notify the inmate of sanctions if direct or third party contact of the victim is made.



State Board of Pardons and Paroles' Role

1. If a victim has expressed objection to the release of the accused or has expressed a desire to be notified, they must provide the State Board of Pardons and Paroles with a current address and telephone number
2. Upon notification by the victim to the State Board of Pardons and Paroles, of their desire to be notified, the State Board of Pardons and Paroles shall give 20 days advance notification to a victim, whenever it considers making a final decision to grant parole or any other manner of executive clemency action to release a defendant for a period exceeding 60 days.
3. The board shall provide the victim with an opportunity to file a written objection in any parole proceedings involving the accused

This Information was provided by the
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