

UNDER MARSY'S LAW

You have the right,
upon request, to:

- Timely notice of all proceedings;
- Be heard in any proceeding involving release, plea, sentencing, or consideration of pardon, commutation, granting of reprieve, or other matter involving the right of a victim;
- Be present at all proceedings, other than Grand Jury;
- Proceedings free from unreasonable delay;
- Consult with the attorney for the Commonwealth or designee;
- Reasonable protection from the accused;
- Timely notice of release or escape of the accused;
- Have the safety of the victim and victim's family considered in setting bail, defendant's release, and conditions of release;
- Full restitution to be paid by the convicted defendant;
- Fairness and consideration of the victim's safety, dignity, and privacy;
- Be informed of these rights and standing to assert these rights.



* Rights afforded to crime victims by Marsy's Law work in conjunction with KRS 421.500

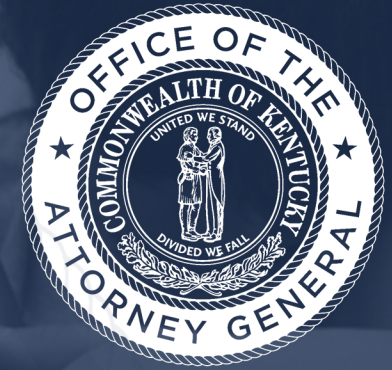
THE CRIMINAL PROCESS



The Commonwealth of Kentucky does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, gender identity or expression, ancestry, age, pregnancy or related medical condition, marital or familial status, disability, veteran status, political affiliation, or genetic information in accordance with state and federal laws.

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VICTIMS' RIGHTS

OFFICE OF VICTIMS ADVOCACY
(502) 696-5312 or (800) 372-2551

Attorney General
DANIEL CAMERON
ag.ky.gov

RIGHTS FOR KENTUCKY CRIME VICTIMS

PURSUANT TO KRS 421.500

Prosecutor's Role

The Commonwealth's Attorney prosecutes all felony crimes, committed by persons 18 years of age or older, which occur in the judicial circuit of that prosecutor. In some specific instances, they can also prosecute juveniles charged with felony cases. Commonwealth's Attorneys are also responsible for presenting evidence of such crimes to the Grand Jury (KRS 15.725).

The County Attorney prosecutes misdemeanors, proceedings under the Unified Juvenile Code, as well as dependency, neglect, and abuse actions that occur in his or her county. Some County Attorneys also handle the county's felony preliminary hearings.

The Commonwealth's and County Attorneys represent the Commonwealth in all criminal proceedings, unless a special prosecutor from the Attorney General's Office is handling the case.

Defense Attorney's Role

The Constitutions of the United States and Kentucky require that all persons accused of a crime have a fair trial. The role of the defense attorney is to provide representation for an individual accused of a crime (defendant) and to protect the rights afforded to them by the United States and Kentucky Constitutions. The defendant or his or her attorney has the right to question all witnesses at trial or in other court proceedings (except a Grand Jury). A victim or witness is not required to discuss the crime outside of court unless served with a court order.

Attorney General's Role

If a defendant seeks appellate review of a case and the Attorney General's Office represents the Commonwealth, the office will, when possible, notify the victim of the initial appeal, the status of the case, and the decision of the appellate court. If a Commonwealth's or County Attorney is unable to prosecute a case due to a conflict, the Attorney General's Office of Special Prosecutions will assume prosecution of the case.

State law defines "victim" as an individual directly and proximately harmed as a result of:

- 1) The commission of a crime classified as a felony; a misdemeanor involving threatened or actual physical injury, harassment, or restraint; a misdemeanor involving a child or incompetent person; or a misdemeanor involving a sexual offense or a trespass; or
- 2) Conduct which, if committed by an adult, would be classified as a felony or a misdemeanor described in subparagraph 1. of this paragraph.

If the victim is a minor, incapacitated, or deceased, "victim" also means one or more of the victim's spouse, parents, siblings, children, or other lawful representatives.

Prosecutors shall ensure that victims/witnesses receive available information regarding:

- Protective, emergency, social, and medical services;
- Obtaining assistance from a victim advocate;
- Community-based treatment programs;
- Where applicable, restitution and crime victim compensation;
- Registration and notification of when a person has been released from a prison, jail, juvenile detention facility, psychiatric facility, or under limited circumstances, a forensic psychiatric facility;
- Protection from intimidation, harassment, or retaliation;
- The Victim, Witness, and Family Protection Program.

Victims/witnesses shall receive notification regarding:

- Defendant's release on bond and any special conditions of release;
- Charges filed against the defendant and the defendant's pleading to the charges;
- Trial date (including any changes);
- Trial verdict;
- A scheduled hearing for Shock Probation or bail pending appeal and any resulting orders;
- Changes in custody of the defendant;
- Sentencing date and any Parole Board hearings held for the defendant.

Prosecutors shall consult with victims on the case disposition, including:

- Case dismissal;
- Release of the defendant, pending Judicial proceedings;
- Any conditions of release;
- A negotiated plea;
- Defendant's entry into a Pre-trial Diversion Program.

Prosecutors shall:

- Make reasonable efforts to ensure that victims and witnesses who are required to attend criminal justice proceedings are notified promptly of any scheduled changes that affect their appearances;
- Notify the victim that upon conviction of the defendant that he or she has the right to submit a written impact statement;
- Make reasonable efforts to ensure that victims receive prompt notification from the Attorney General if an appeal of a conviction is pursued by the defendant;
- Promptly return victims' property held for evidentiary purposes unless there is a compelling reason for retaining it;
- Provide information on obtaining protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts;
- Upon request by a victim or witness, assist in informing employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absences from work.

ADDITIONAL RESOURCES

**Cabinet for Health and Family Services
Child Abuse & Neglect Reporting Hotline**
(877) KYSAFE1 (597-2331)

Kentucky Assoc. of Sexual Assault Programs
866-375-2727 or (502) 226-2704

Kentucky Coalition Against Domestic Violence
(502) 209-5382

Kentucky Assoc. of Children's Advocacy Centers
(859) 699-1191

Crime Victim Compensation
(502) 782-8255

Victim Information and Notification Everyday (VINE)
(800) 511-1670

Sex Offender Registration
(502) 227-8700

Parole Victim Services
(502) 564-5061