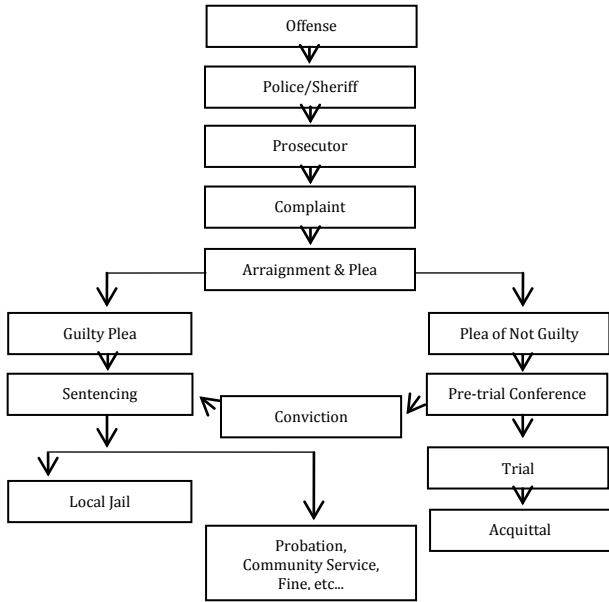
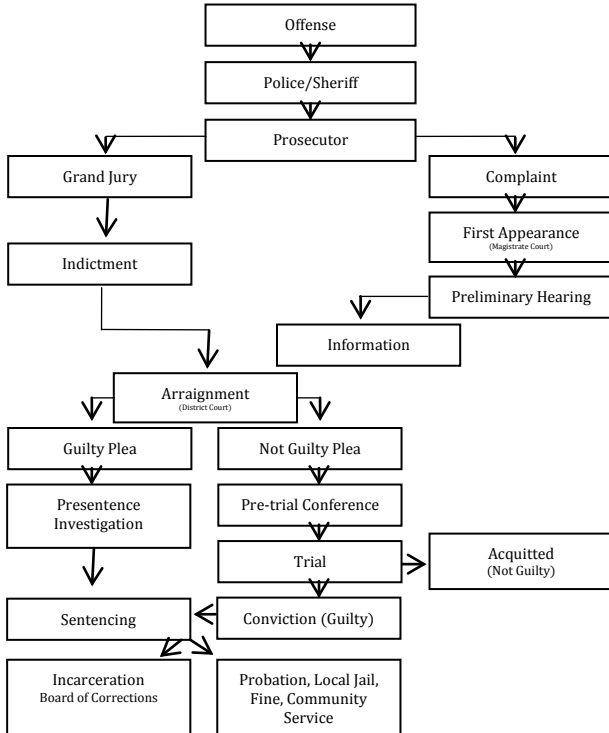


MISDEMEANOR PROCEDURE CHART



FELONY PROCEDURE CHART



YOUR CASE INFORMATION

Case #: \_\_\_\_\_

Detective: \_\_\_\_\_

Phone #: \_\_\_\_\_

Prosecuting Attorney: \_\_\_\_\_

Phone #: \_\_\_\_\_

Victim Assistance Advocate/Coordinator: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date of Arraignment: \_\_\_\_\_

Courtroom: \_\_\_\_\_

Date of Preliminary Hearing/Grand Jury: \_\_\_\_\_

Courtroom: \_\_\_\_\_

Date of District Court: \_\_\_\_\_

Arraignment: \_\_\_\_\_

Courtroom: \_\_\_\_\_

Conference w/Prosecutor: \_\_\_\_\_

OR ENTRY OF GUILTY PLEA: \_\_\_\_\_

Presentence Investigator: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date of Sentencing: \_\_\_\_\_

Location of Sentencing Hearing: \_\_\_\_\_

File for Restitution: \_\_\_\_\_

Review of Presentence Report: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Victims' Rights

Crime in Idaho touches us all. When one person hurts, we all – as a state – suffer. It is the job of the criminal justice system to protect, support, and serve our communities. Most citizens do not learn about the criminal justice system until they become victims of crime – the worst possible time to try to understand the complex roles and responsibilities of each of the “players” in the system.



The public has gained a better understanding of the impact of crime on victims. As a result of assertive advocacy, crime victims have gained many rights within our criminal justice system. As a crime victim, this pamphlet will help you to learn about your rights.

Published as a Public Service by the  
 Idaho Council on Domestic Violence and Victim Assistance

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**RIGHTS FOR CRIME VICTIMS**  
In 1994, Idaho voters added Rights for Crime Victims to the Idaho Constitution. The amendment can be found in article I, Section 22 of the Idaho Constitution. In addition, Idaho law was amended, Idaho Code § 19-5306, to provide victims certain rights.

#### WHICH CRIMINAL OFFENSES EQUIP VICTIMS WITH RIGHTS?

Any charged felony or misdemeanor involving physical injury or threat of physical injury, sexual offenses, and juvenile offenses that is a violation of law that brings a juvenile within the purview of title 20, chapter 5, Idaho Code and involved acts that would be considered felonies if committed by adults.

#### WHO IS A VICTIM OF CRIME?

Any individual who suffers direct or threatened physical, financial or emotional harm as a result of a crime or juvenile offense. Rights apply to the immediate families of homicide victims, or victims who are unable to exercise these rights, such as children. The court may designate someone from the family to exercise these rights.

#### WHEN DO VICTIMS' RIGHTS BEGIN?

When a criminal complaint or juvenile petition is filed by the prosecuting attorney. This is when a case is filed with the court (charged), NOT when a statement is given to an officer. To exercise your rights as a victim, you must make a written request to the District Court on the form which can be obtained from the prosecuting attorney.

#### WHO IS THE PROSECUTING ATTORNEY?

The elected or appointed official who represents the interests of the people of the State of Idaho for the County or City in which they work. Under Idaho's Constitution, they must choose which cases to prosecute or charge.

#### WHAT ARE SOME OF MY RIGHTS?

The Idaho Code § 19-5306, statutory provisions provides that crime victims shall be:

##### TREATED FAIRLY

Treated with fairness, respect, dignity and privacy throughout the criminal justice process.

##### INVOLVED IN COURT

Permitted to be present at all criminal justice proceedings or juvenile proceedings including probation proceedings (you are responsible for your own expenses).

##### CONSIDERED CONCERNING TIMELINESS

Entitled to a timely disposition of the case.

##### NOTIFIED

Given prior notification of trial court, appellate and parole proceedings and provided, upon request, information about the sentence, incarceration, placing on probation or release of the defendant.

##### HEARD

Heard, upon request, at all criminal justice proceedings considering a plea of guilty, at sentencing, incarceration, placing on probation or release of the defendant unless manifest injustice would result.

##### INVOLVED IN PLEA BARGAINS

Afforded the opportunity to communicate with the prosecution in criminal or juvenile offenses, and be advised of any proposed plea agreement prior to entering into a plea agreement.

##### NOT HARASSED

Allowed to refuse an interview, ex parte contact or other request by the defendant or any other person acting on his/her behalf, unless such request is authorized by law.

##### INVOLVED IN SENTENCING

Consulted by the presentence investigator during the preparation of the presentence report and have included in that report an impact statement in which the defendant's criminal conduct had upon the victim. The victim shall be allowed to read prior to the sentencing hearing the presentence report relating to the crime. The victim shall maintain the confidentiality of the presentence report.

##### PROPERTY RETURNED

Assured the expeditious return of any stolen or other personal property by law enforcement agencies when no longer needed as evidence.

##### NOTIFIED OF DEFENDANT RELEASE

Notified whenever the defendant or suspect is released or escapes from custody. The law specifies that the law enforcement agency from whose custody the defendant is released or escapes shall make the notification.



Victims are responsible for keeping the Court informed of their address for the purpose of notification. You **MUST** inform the District Court Clerk whenever you move or change phone numbers. The Clerk is required to keep this information confidential.

#### THERE IS HELP!

If you are a victim of a violent crime possible payment of medical bills, lost wages, counseling, funeral bills and more is available through Idaho's Crime Victims' Compensation Program: (1-800-950-2110) For further information on victim compensation, please refer to title 19, chapter 53, Idaho Code and title 72, chapter 10, Idaho Code.

In addition to this basic help:

If you are a victim of rape: The law requires the referring law enforcement agency to pay hospital costs of evidence collection for rape victims.

If you are a victim of domestic violence: If there is a threat of further violence by a family or household member you may file for a civil protection order at your county courthouse. They are issued on an emergency basis. There is no charge for this service.

**FOR MORE INFORMATION ABOUT FREE SERVICE FOR CRIME VICTIMS, CONTACT YOUR LOCAL LAW ENFORCEMENT OR VICTIM ADVOCATE AGENCY.**

#### CHARGES

There are two types of charges: misdemeanor and felony. A misdemeanor crime is tried in Magistrate Court and the sentence may be given at the arraignment (without involvement of the prosecuting attorney), or when the defendant is found guilty. Felonies must be tried in District Court.

#### SENTENCING

Sentencing in Idaho varies with the crime and can be the most confusing part of the criminal process. Most often, sentences are at the judge's discretion. Misdemeanor offenses carry a maximum sentence of one year in the county jail. Persons convicted of a felony may be sentenced to probation, county jail, evaluation, or the Idaho State Penitentiary.

**YOUR STATEMENT AT SENTENCING IS IMPORTANT!!!  
IF YOU DO NOT STAND UP FOR YOUR RIGHTS AT  
SENTENCING, NO ONE ELSE MAY!**