

NOTICE OF VICTIM RIGHTS

IC 35-33-1-1.5 requires a law enforcement officer responding to the scene of a crime involving domestic or family violence to give the victim immediate and written notice of the following rights provided by law under IC 35-40

1. A victim has the right to be treated with fairness, dignity, and respect throughout the criminal justice process. (IC 35-40-5-1)
2. A victim has the right to be informed, upon request, when a person who is accused of committing or convicted of committing a crime perpetrated directly against the victim, is released from custody or has escaped. This includes release or escape from mental health facilities. (IC 35-40-5-2)
3. A victim has the right to have the victim's safety considered in determining release from custody of a person accused of committing a crime against the victim. (IC 35-40-5-4)
4. A victim has the right to information, upon request, about the disposition of the criminal case involving the victim or the conviction, sentence, and release of a person accused of committing a crime against the victim. (IC 35-40-5-8)
5. A victim has the right to be heard at any proceeding involving sentence or a post-conviction release decision. A victim's right to be heard may be exercised, at the victim's discretion, through an oral or written statement, or submission of a statement through audiotape or videotape. (IC 35-40-5-5)
6. A victim has the right to make a written or oral statement for use in preparation of the presentence report. The victim also has the right to read presentence reports relating to the crime committed against the victim in order that the victim can respond to the presentence report. (IC 35-40-5-6)
7. A victim has the right to confer with a representative of the prosecuting attorney's office after a crime allegedly committed against the victim has been charged; before the trial of a crime allegedly committed against the victim; and before any disposition of a criminal case involving the victim. This right applies in the following situations:
 - The alleged felony was directly committed against the victim.
 - The alleged felony or misdemeanor was an offense against the person, which includes the crimes of Battery, Domestic Battery, Aggravated Battery, Battery by Body Waste, Criminal Recklessness, Intimidation, Harassment, Invasion of Privacy, or Pointing a Firearm, and the alleged felony or misdemeanor was committed against the victim by a person who:
 - a. is or was a spouse of the victim;
 - b. is or was living as if a spouse of the victim;
 - c. or has a child in common with the victim.
 - For other misdemeanors, a victim must file a request for notice, which includes a current telephone number and address. (IC 35-40-5-3)
8. A victim has the right to pursue an order of restitution and other civil remedies against the person convicted of a crime against the victim. (IC 35-40-5-7)
9. A victim has the right to be informed of the victim's constitutional and statutory rights. (IC 35-40-5-9)

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