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Victims' Rights Under Marsy's Law

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Marsy's Law

On November 4, 2008, the voters of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law, a measure to provide all victims with rights and due process. This webpage is for informational purposes only and is an overview of some of the key sections of Marsy's Law. A full copy of the text of the Victim's Bill of Rights Act of 2008: Marsy's Law (Proposition 9) is available from the California Secretary of State: [Text of Law](#)

Marsy's Story

Marsy's Law was named after a UC Santa Barbara college student, Marsy Nicholas. Marsy was stalked and killed by her exboyfriend in 1983, a time when basic victims' rights did not exist.

More information about Marsy's life, and how her loss has impacted the world of victims' rights can be found on Marsy's Law.

Victims' Rights Under Marsy's Law

The California Constitution, Article 1, Section 28(b), confers certain key rights and protections to victims of crime and their families.

1. **Fairness and Respect** – To be treated with fairness and respect for their privacy and dignity, and to be free from intimidation, harassment, and abuse throughout the criminal or juvenile justice process.
2. **Protection from the Defendant** – To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. **Victim Safety Considerations in Setting Bail and Release Conditions** – To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. **The Prevention of the Disclosure of Confidential Information** – To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. **Refusal to be the Interviewed by the Defense** – To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. **Conference with the Prosecution and Notice of Pretrial Disposition** – To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

7. **Notice of and Presence at Public Proceedings** – To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. **Appearance at Court Proceedings and Expression of Views** – To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. **Speedy Trial and Prompt Conclusion of the Case** – To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. **Provision of Information to the Probation Department** – To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. **Receipt of Pre-Sentence Report** – To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. **Information About Conviction, Sentence, Incarceration, Release, and Escape** – To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. **Restitution** –
 - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

- B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
- C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. **The Prompt Return of Property** – To the prompt return of property when no longer needed as evidence.
15. **Notice of Parole Procedures and Release on Parole** – To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. **Safety of Victim and Public are Factors in Parole Release** – To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. **Information About These 16 Rights (To be informed of these enumerated rights)** – To be informed of the rights enumerated in paragraphs (1) through (16).

Marsy's Card

English

- Marsy's Card and Resources – English Version, pdf (revised 6/2025)

Spanish – Español

- Pocket Sized Marsy's Card with Resources – Spanish Version
Tarjeta y recursos de Marsy de bolsillo – versión en español, pdf

Chinese – 中文

- Pocket Sized Marsy's Card with Resources – Chinese (Simplified) Version
袖珍Marsy's卡與資源 – 中文版, pdf

Korean – 한국어

- Pocket Sized Marsy's Card with Resources – Korean Version
지원 자원이 포함된 포켓 사이즈 Marsy 카드 – 한국어 버전, pdf

Tagalog – Tagalog

- Pocket Sized Marsy's Card with Resources – Tagalog Version
Pambulsa ang Sukat na Card ng Marsy na May mga Tagatulong – Bersiyong Tagalog, pdf

Vietnamese – Việt Ngữ

- Pocket Sized Marsy's Card with Resources – Vietnamese Version
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