

**Subscribe to Our Newsletter**

Enter your email

Subscribe

**ROB BONTA***Attorney General*

# Federal Habeas Corpus

[Home](#) / [Victims' Services](#) / [Federal Habeas Corpus](#)

## Crime Victims' Rights

### RESOURCES - If you are a victim of a federal crime:

#### Who is a Federal Victim?

A federal crime victim is "a person directly or proximately harmed as a result of the commission of a federal offense, or an offense within the District of Columbia" 18 U.S.C. § 3771 (e).

#### To Report a Federal Crime: Contact:

The United States Department of Justice or  
The Federal Bureau of Investigation (FBI)

#### If you are a Victim or Witness of a Federal Crime

If you have been identified as a victim or witness in a case prosecuted by the one of the following offices and wish to obtain court room support, assistance, informational brochures or for general information about services, please contact the U.S. Attorney's Office Victim/Witness Assistance Program.

Under federal law, after state claims have been reviewed, an inmate (the petitioner) may raise federal constitutional claims in federal court. The inmate may file a petition for writ of habeas corpus. The petitioner argues that the conviction and/or sentence should be overturned because the conviction was obtained in violation of his or her federal constitutional rights. The Attorney General responds to petitions of writ of habeas corpus filed by state inmates.

## Federal Habeas Corpus Proceedings

For federal habeas corpus proceedings in federal court, crime victims have the following rights:

- **Presence at Public Proceedings.** The right not to be excluded from the federal habeas corpus proceeding, unless the court determines that testimony by the victim would change if that victim heard other testimony at that proceeding. 18 U.S.C. § 3771(a)(3)
- **Right to be Heard at Public Proceedings.** The right to be reasonably heard at any public proceeding in the district court involving the release, plea, sentencing, or any parole proceeding of the defendant. 18 U.S.C. § 3771(a)(4)
- **Proceedings Free from Delay.** The right to proceedings free from unreasonable delay. 18 U.S.C. § 3771(a)(7)
- **Fairness; Respect for Dignity and Privacy.** The right to be treated with fairness and with respect for the victim's dignity and privacy. 18 U.S.C. § 3771(a)(8)

These rights should not be confused with the rights provided under the California Crime Victims' Bill of Rights – Marsy's Law. Marsy's Law provides all victims with rights and due process in state proceedings; however, the Federal Crime Victims' Rights stated above provide victims with rights in federal habeas corpus proceedings.

For additional information on the protection, enforcement, and advancement of victim rights in Federal proceedings:

- U.S. Department of Justice
- National Crime Victim Law Institute
- National Crime Victim Bar Association

## Federal Restitution:

Under federal law, restitution is mandatory for some, but not all, types of crimes. It is important for victims, who may be entitled to restitution, to keep a record of their losses, medical expenses, property damage and counseling expenses, with receipts when possible. This information will be needed by the probation department if the defendant is convicted and ordered to pay restitution. It is also important to fill out and submit a Declaration of Victim Loss Statement. This statement is provided by the U.S. Probation Department, after a defendant has been convicted at trial or has pleaded guilty. If you are a victim in a federal crime that is being prosecuted by the U.S. Attorney's office, the Victim/Witness Unit will typically notify you of the process for making a claim for restitution.