Suggested additional web site content (current as of April 28, 2020):

In 1990, Arizona Voters passed the Victim Bill of Rights enshrining the following legal protections for crime victims into Article 2, Section 2.1 of the Arizona constitution:

(A) To preserve and protect victims’ rights to justice and due process, a victim of crime has a right:

1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.

2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.

3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.

4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.

5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant’s attorney, or other person acting on behalf of the defendant.

6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.

7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.

8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim’s loss or injury.

9. To be heard at any proceeding when any post-conviction release from confinement is being considered.

10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.

11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims’ rights and to have these rules be subject to amendment or repeal by the Legislature to ensure the protection of these rights.

12. To be informed of victims’ constitutional rights.

(B) A victim’s exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(C) “Victim” means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person’s spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.

(D) The Legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(E) The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the Legislature or retained by victims.

Over the past thirty years, the Arizona legislature has passed various statutes to define, implement and preserve these rights. Fundamental to these rights is goal to treat a victim as a person and not a piece of evidence. Crime victims have a right to be treated with fairness, dignity and respect throughout the criminal prosecution.

FAQ’s

**What to these rights mean and how are they implemented?**

You have several rights. In addition to the right to due process and fairness, you have a right to be present and to be heard at any pre-trial proceeding where the defendant has the right to be present, you have the right to confer with prosecutors about the case and any possible plea offer, you have the right to give an impact statement, present evidence, information and opinions at sentencing. Also you have the right to refuse defense requests for interviews and to protect your rights to privacy of personally identifiable information.

**When can I assert these rights?**

Your rights as a crime victim begin when the state makes a charging decision.

**Who is considered a victim?**

Arizona law defines who is a victim. The definition can be confusing. If you have a question, contact us. Under Arizona law, a victim “is a person against whom the criminal offense has been committed, including a minor, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the person or the person's spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.” A.R.S. s. 13-4401(19).

**Am I on my own or can I have a lawyer act on my behalf?**

You can exercise your rights either by yourself, you can ask the prosecutor to assert a victim right, or you can request that an attorney represent you.

**Can I ask the prosecutor to assert my legal rights in a criminal prosecution?**

Yes.

**How can I recover restitution for my economic losses?**

The answer to this question can be challenging. You have constitutional right to “receive prompt restitution from the person or persons convicted of the criminal conduct that caused [your] loss or injury.” But often criminal defendants do not have substantial resources to pay you back immediately for your loss. This does not mean that you should abandon your right to restitution. Instead, restitution for economic loss involves two step process involving establishing the amount and collecting this amount. Elsewhere in this web site you will find further legal information on how to establish and collect restitution for your economic loss. Contact us for further information; please do not construe the information contained in this web site as legal advice. The information contained in this site is only meant as an information resource only but not legal advice.