

VICTIMS' RIGHTS BRIEF

For Arizona's Criminal and Juvenile Justice Administrators, Practitioners, and Advocates
Published by the Arizona Attorney General's Office of Victim Services

1999 Legislative Update: Changes To Victims' Rights Laws

The adjournment of the First Regular Session of the 44th Legislature saw passage of two bills bearing victims' rights statutory changes: S.B. 1049 [Chapter 281], and S.B. 1279 [Chapter 261]. One other legislative change has significant implications for crime victims in capital cases [S.B. 1008, Chapter 104]. What follows are highlights of changes brought by these bills, followed by a list of other bills of interest.

Inmate Correspondence

effective date: 1/30/2000
S.B. 1049

Establishes that victims be notified of the right to request not to receive mail from a committed youth or an inmate.

Provides that instructions on filing such a request will be given to the victim by the prosecutor's office via the Post-Adjudication Notification Request (PANR) or Post-Conviction Notification Request (PCNR) form. Requires that the form include a statement explaining the victim's right to restrict mail and identifies the victim's ability to report a violation to AZ Dept. of Juv. Corrections (ADJC) or AZ Dept. of Corrections (DOC).

Requires ADJC or DOC to notify the committed youth or inmate not to send mail to victims or their families or members of the victim's household, and that violating the victim's request will result in sanctions.

Defense

Interviews

effective date: 8/06/99
S.B. 1279

Allows a victim to refuse an interview with someone acting on behalf of the defendant, even if the victim was a witness to a different event on a separate occasion, provided that the charge(s) associated with that event are filed with one(s) related to the victim or consolidated at trial (amends Title 13, Chapter 40 only - no corresponding change was made to juvenile victims' rights statutes).

Victim Impact -- Death Sentencing

effective date: 8/06/99
S.B. 1008

Requires judges and probation officers in death penalty cases to consider victim impact information presented by the murdered person's family.

Specifies who may make victim impact statements in capital murder cases: the murdered person's spouse, parent, child or other lawful representative, unless that person is in custody or is the accused.

Allows the victim impact statement to be oral, written, audio- or video-taped.

Prohibits the judge from considering recommendations made by the victim's family relating to sentencing.

Other Bills of Interest...

- S.B. 1013 -- Establishes three new funds to accelerate the processing of criminal cases and improve enforcement and collection of court-ordered assessments, statewide.
- S.B. 1018 -- Allows outstanding criminal restitution orders to remain in effect until restitution has been paid in full (current law has them expire after 5 years).
- S.B. 1185 -- Amends the circumstances under which the custodial parent may relocate with the child, making it more difficult to relocate.
- S.B. 1416 -- Creates the crime of violent sexual assault and requires the court to impose a sentence of natural life to those convicted of it.
- H.B. 2340 -- An emergency measure that clarifies and conforms various statute changes made under last year's "Extreme DUI" law.
- H.B. 2567 -- Authorizes local health departments and health units of correctional facilities to report offenders' HIV test results to crime victims.

COPIES OF REVISED STATUTES ARE AVAILABLE

The Attorney General's Office of Victim Services has prepared copies of the revised text of adult and juvenile victims' rights statutes (incorporating recent legislative changes). A copy is available on the Victim Services portion of the Attorney General web page: www.az.state.ag.us, or contact OVS at (800) 458-4911. OVS staff may be of assistance in your efforts to implement legislative changes. Contact **Teena Olszewski**, Director (520) 628-6454 or **Stephen Hart** - State Administrator at (602) 542-8463 with questions.

Attorney General Announces 1999 Distinguished Service Awards

Each year, the Attorney General publicly honors exemplary service to victims of crime by, bestowing on individuals and organizations *Distinguished Service Awards* for their commitment and contribution to preserving and protecting victims' rights to justice, and to improving the treatment of crime victims. Recipients of the Awards are formally recognized at the annual *Arizona Coalition for Victim Services (ACVS)* conference, this year held at the Mesa Hilton Pavilion on June 4-5.

The 1999 recipients, by award category, are as follows:

ADVOCACY/DIRECT SERVICES

Gail Hoffman, Yuma County Juvenile Court CASA Program volunteer. Gail has dedicated hundreds of hours advocating for children who have been abused, neglected or abandoned, including many who have suffered physical and sexual abuse.

SERVICE COORDINATION

Mesa Police Dept. - Center Against Family Violence. A collaborative effort of police, prosecutors and victim service providers, the Center provides a safe environment where criminal investigations can proceed and victims can receive vital services. In a short time, the Center has become a model program for providing just and fair treatment of crime victims.

Homicide Survivors, Inc. Since 1982, the dedicated volunteers of this organization have been providing invaluable support services, acting as liaisons to the justice system and assisting victims with compensation claims, and providing ongoing emotional support vital to survivors seeking to reconstruct their lives.

INNOVATIVE PRACTICES

Volunteer/Intern Bureau, Maricopa County Attorney's Office. A series of innovative programs used by the Bureau ensure that well-trained, knowledgeable victim advocates are available to help children in court, assist victims in justice court and during evening hours, and share their insight with anyone seeking to help crime victims.

PUBLIC POLICY

Sharon Sikora, Mothers Against Drunk Driving (MADD). Since a 1981 crash that resulted in burns over 95% of her body, Sharon has been a dedicated victim advocate. She readily shares her story, lobbies for legislation and serves on boards and organizations seeking to improve the treatment of crime victims.

LEADERSHIP

The Honorable John Davis, Pima County Superior Court. Judge Davis never forgets the rights of crime victims who enter his courtroom. Guided by the belief that true justice includes victims, he conscientiously and consistently upholds their rights, acknowledges their presence in the courtroom and takes time to explain procedures and reasons for rulings.

Commander Sherry Kiyler and Sgt. Carl Richardson, Phoenix Police Dept. Commander Kiyler and Sgt. Richardson worked inexhaustibly to launch Phoenix PD's Family Liaison Program in 1992, a program that provides services to victims during homicide investigations. Since that time, the program has grown tremendously and both have remained very active in support of initiatives that aid crime victims. ♦

HAVE AN IDEA FOR AN ARTICLE? GIVE THE VICTIMS' RIGHTS BRIEF A CALL! CONTACT STEPHEN HART AT (602) 542-8463.

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© A 3-minute update.

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TO ADD OR DELETE YOUR NAME T O/ FROM THE VICTIMS' RIGHTS BRIEF MAILING LIST, FILL OUT & RETURN:

Name: _____
Title: _____
Agency: _____
Address: _____

Add Delete