

SB 208: Some Facts

1. Victim Programs across the state provide services to victims and witnesses as mandated under Chapter 24 of the Montana Code Annotated. Victims to be served under the law are: all victims of felony offenses, victims of misdemeanor offenses involving actual, threatened, or potential bodily injury to the victim or, in the case of a minor child victim or homicide victim, the family of the victim.
2. Presently, Gallatin County is the only county in the state that provides victim assistance to felony property crime victims as required by law. Most (if not all) programs are grant funded and grant funds are only allowed for victims of violent crime. Grants are not meant to be permanent funding mechanisms and programs have to worry year to year if they are going to exist in the future.
3. The services provided are mandated by law. They include: notification of the victim of all critical stages in the criminal justice system (the arrest, prompt advance notice of the entry of a plea, trial, any plea bargains, pre-sentence investigation report and victim impact statement, sentencing, appeals, sentence reviews, parole notifications and post-conviction relief). The Victim Advocate refers the victim to community services that help lessen the impact of the crime, such as professional counseling for a child sexual abuse victim. In this example, the Victim Advocate would help the parent fill out Crime Victim Compensation forms to cover counseling costs if the family didn't have insurance to cover the expense. Victim Advocates also assist homicide survivors with forms for burial costs and referral to grief counselors. Crisis counseling and safety planning are crucial with domestic violence and stalking victims. Most victims have no experience with the criminal justice system and don't understand all the complexities. A robbery victim may need to understand why the offender can plead not guilty when he already confessed to the police. Rape victims need emotional support through a stressful trial. A felony theft victim may need assistance at a restitution hearing. Last year two advocates assisted 674 victims of violent crime in Gallatin County. A new advocate to assist property crimes was hired in September 04. All victims need to know what their rights are, be treated with respect and given a voice in the criminal justice process.
4. Funding is used for staff, office space, building maintenance, office supplies, postage, printing and duplicating, membership dues, telephone, repair and maintenance, travel, training, and liability insurance. When grants are involved, most counties charge over 8% in indirect costs (accounting, etc.). All Victim Witness surcharge funds collected stay in the local jurisdiction to fund the local victim witness program. SB 208 would raise the fee from \$25 to \$50.
5. These services are mandated – someone is going to have to pay for them – it can be all taxpayers, or convicted offenders that create the need for the services. The choice is yours.