



State Approaches to Victims' Rights and Services

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Who is NCSL

- Non-profit, bi-partisan organization.
- Members are all 7,383 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - To provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.



Background



- All 50 states and D.C. have laws to assist victims of crime.
- Most states have a victims' bill of rights.
- Statutes address multiple aspects of victims' rights.

What We Will Look At Today

Legislative Responses Across the Justice Continuum

- Initial contact with law enforcement (LE), reporting, and pretrial.
- Court and judicial proceedings.
- Post-trial/post-conviction.
- Compensation and services.

Funding

- Federal grants.
- Justice Reinvestment Initiative (JRI).



Legislative Responses

Legislative Responses: Law Enforcement & Reporting

Oklahoma SB 604

Requires law enforcement to be trained on personal safety planning for victims at the pretrial phase of a potential criminal case.

2017

Colorado Senate Bill 49

Enumerates what information must be included in the initial incident report to help the victim with insurance claims, protection orders.

2022

2022

West Virginia SB 570

Authorizes Professional Standards Subcommittee to develop guidelines for law enforcement and correction officers who respond to crime victims who are experiencing Alzheimer's or dementia.

Legislative Responses: Court & Judicial Proceedings

- Leveraging technology for victim notification:
 - Arizona SB 1712 (2022): establishes automated law enforcement crime victim notification system.
- Expanding access to the criminal justice process.
 - Pennsylvania HB 2039 (2021): Law enforcement must provide victim contact information to the court so that notification of preliminary arraignment and right to attend can be provided; right to comment.



Legislative Responses: Court & Judicial Proceedings

- Broadening the scope of notification:
 - Utah HB 134 (2022): prosecutor must notify victim of possibility of a plea deal and upon request, prosecutor must explain details of possible plea deal.



Restitution

- CO SB 22-043 (2022)
 - Expands allowable expenses.
 - “Government windfall payments.”
 - Office of Restitution Services.

Release & Parole

- CO SB 22-049 (2022)
 - Right to be present and heard in post-conviction proceedings either in person, by phone, or virtually by video or audio, or similar technology.
 - Defendant must attend sentencing hearing to hear victim impact statement.

Legislative Responses: Compensation & Services



NM HB 342
(2019)

Compensation available to crime victims who tell a medical or mental health care professional about the crime.

MI HB 4674
& 4675
(2021)

Eliminates reporting time limits, extends the application filing deadline, and provides compensation for additional types of expenses.

DE HB 182
(2021)

Adds mental health services under definition of “pecuniary loss;” addresses mental health services for “secondary victims.”

Legislative Responses: Compensation & Services



Increased access to services such as victims' rights advocates and legal representation.

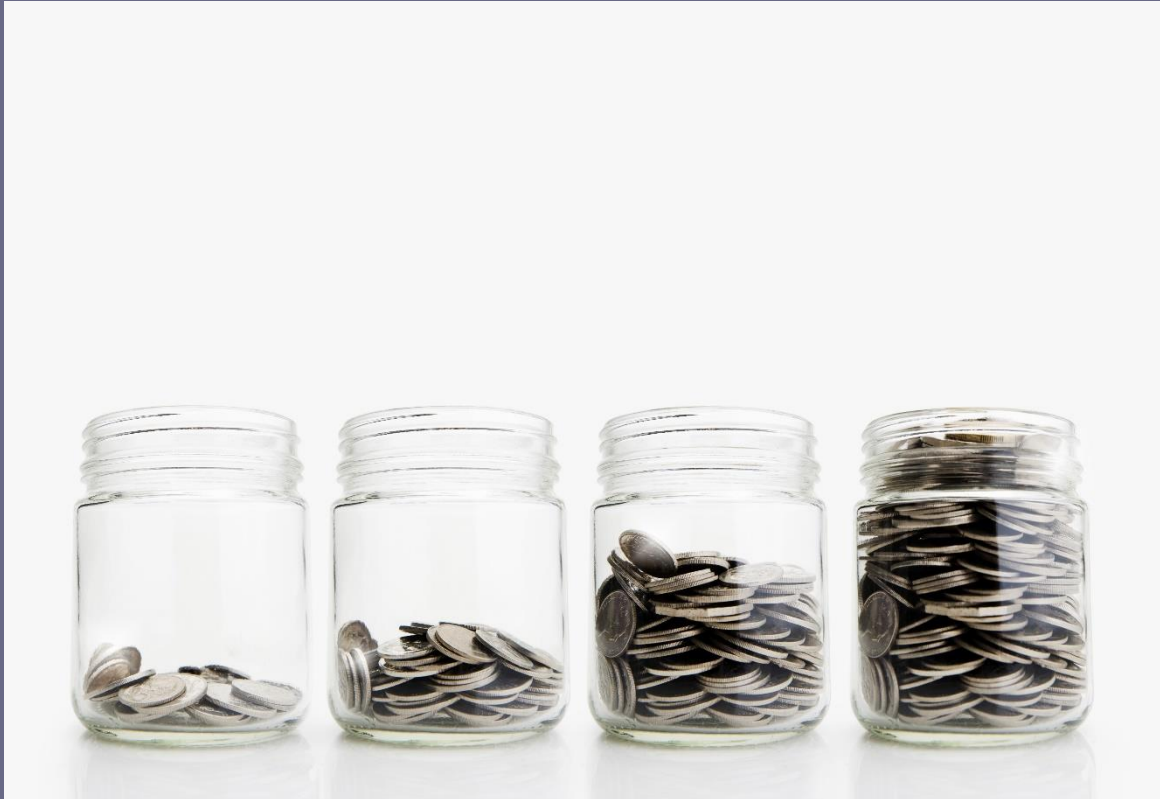


Addressing forensic backlogs and keeping victims informed about case status.

State in Focus



- Pennsylvania:
 - House Bill 2464 (2022).
 - Amends the state's Crime Victims Act of 1998.
 - Adds additional provisions ranging from crimes covered by the act to removing or extending certain reporting and filing deadlines.



Funding

Funding: Federal & Justice Reinvestment Initiative

Victims of Crime Act (VOCA)

Supports state-administered victim compensation programs.

1984

2010

Justice Reinvestment Initiative (JRI)

Public-private partnership between Bureau of Justice Assistance and The Pew Charitable Trusts; provides grant funding.



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Questions?