

## **I. SPECIFIC VICTIMS' RIGHTS**

### **A. Right to Access Information and Documents**

- 1. Plea Agreement Terms**
- 2. Presentence Report**
- 3. Records**
- 4. Other**

### **B. Right to Courtroom Accommodations**

- 1. Alternative Means of Testifying**
- 2. Closed Courtroom**
- 3. Support Person Presence**
  - (i) Deposition**
  - (ii) Grand Jury**
  - (iii) Pre-trial Hearing**
  - (iv) Trial**
- 4. Other**

### **C. Right to Confer**

### **D. Right to Due Process, Fairness, Dignity, and Respect**

### **E. Right to Equal Protection**

### **F. Right to be Heard**

### **G. Right to an Interpreter and Translated Documents**

### **H. Right to Notice**

### **I. Right to be Present**

### **J. Right to Privacy**

- 1. Closed Courtroom**
- 2. Identifying Information**
- 3. Medical and Psychological Examinations**
- 4. Photographs and Audio/Video Recordings**
- 5. Victim Records**
- 6. Other**

### **K. Right to Prompt Disposition**

### **L. Right to Protection**

- 1. Government's Duty to Protect Victims of Abuse**
- 2. Protective Orders**

**3. Other**

**M. Right to Refuse Discovery Requests**

**N. Right to Refuse to Testify**

**O. Right to Restitution**

- 1. Ability to Pay**
- 2. Attorney's Fees**
- 3. Calculation Method**
- 4. Causation**
- 5. Collection**
- 6. Future Lost Income**
- 7. Joint and Several Liability**
- 8. Jurisdiction**
- 9. Settlement Agreement**
- 10. Other**

**P. Right to Return of Property**

**Q. Right to be Free From Unlawful Search and Seizure**

**II. STANDING**

**A. Definition of "Victim"**

**B. Prosecutor Standing**

**C. Victim Standing – Civil Courts**

**D. Victim Standing – Criminal Justice System**

- 1. Grand Jury**
- 2. Trial Court**
- 3. Appellate Court**

**E. Victim Standing – Juvenile Justice System**

**F. Victim Standing – Ripeness and Mootness**

- 1. Pre-Charging**
- 2. Pre-Conviction**
- 3. Post-Conviction**

**III. ENFORCEMENT**

**A. Abatement *Ab Initio***

**B. General Obligation to Afford Rights**

- 1. Of Courts**



**M. Defendant's Right to Privacy**

**N. Defendant's Rights Related to Punishment**

**O. Separation of Powers**

**VI. EVIDENTIARY ISSUES RELATED TO VICTIMS' RIGHTS**

**A. Confidentiality**

**B. Consent**

**1. Intoxication**

**2. Sexual Assault**

**C. Discovery**

**1. *Brady* Materials**

**2. Pretrial Interviews/Depositions**

**3. Psychological Examinations**

**4. Victim Impact Statement**

**5. Victim Records**

**6. Other**

**D. Expert Testimony**

**E. First Complaint Rule**

**F. Hearsay**

**1. Accommodations for Child Victims**

**2. Dying Declaration**

**3. Excited Utterance**

**4. Forfeiture by Wrongdoing**

**5. Medical Treatment**

**6. Ongoing Emergency**

**7. Other**

**G. Lay Opinion Testimony**

**H. Prior Bad Acts**

**I. Privilege**

**1. Constitutional**

**2. Statutory**

**3. Other**

**J. Rape Shield**

**K. Relevance**

**L. Use of the Term “Victim” In Criminal Proceedings**

**M. Witness Tampering**

**VII. PROCEDURAL ISSUES RELATED TO VICTIMS’ RIGHTS**

**A. Access to Presentence Reports**

**B. Joinder and Severance**

**C. Jury Instructions**

**D. Venue**

**E. Voir Dire**

**VIII. VICTIM IMPACT STATEMENT**

**IX. CHILD VICTIMS**

**X. MISCELLANEOUS ISSUES RELATED TO VICTIMS’ RIGHTS**

**A. 42 U.S.C. § 1983 Civil Rights Actions**

**B. Civil Forfeiture**

**C. Compensation**

**D. Employment Rights**

**E. Habeas Corpus Petitions**

**F. Housing Rights**

**G. Parallel Criminal and Civil Proceedings**

**1. Discovery**

**2. Stay of Proceedings**

**3. Restitution**

**4. Other**

**H. Presence of Victim Support Groups**

**I. Professional Ethics and Rules of Conduct**

**J. Sex Offender Registries**

**K. Spectator’s Conduct at Trial**

**L. Tort Liability**

**1. Of Government Actors**

**2. Of Victims**