Rights as a Crime Victim of an Adult Offense *

	Responsible Party								
	Victim	Law Enforcement (Police/Sheriff)	Custodial Agency (Sheriff/Jail)	Prosecutor	Court	Probation	Department of Corrections	Board of Executive Clemency	Health Dept./Mental Health Facility
THROUGHOUT THE CRIMINAL JUSTICE PROCESS, a victim has the right...									
To be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse. Ariz. Const., Art. 2, §2.1(A)(1)		✓	✓	✓	✓	✓	✓	✓	✓
To ask the prosecutor in certain kinds of cases to petition the court for an order requiring the defendant to be tested for Human Immunodeficiency Virus (HIV) and other specified sexually transmitted diseases, and, if so ordered, to be notified of the results. A.R.S.§13-1415	✓			✓	✓				✓
To designate a lawful representative or have the court appoint a lawful representative to exercise rights and to revoke this designation at any time. A.R.S.§13-4403	✓				✓				
To be present throughout all court proceedings in which the defendant has the right to be present. Ariz. Const., Art. 2, §2.1(A)(3); A.R.S.§13-4420	✓			✓					
To safety before, during, and immediately after any court proceeding. A.R.S.§13-4431					✓				
To have all identifying and locating information obtained by law enforcement agency or prosecution agency protected. Including victim's DOB, SSN, DL or ID number, address, telephone number, e-mail address, and place of employment. A.R.S.§13-4434		✓	✓	✓	✓	✓	✓	✓	
To a speedy trial or disposition. Ariz. Const., Art. 2, §2.1(A)(10) & A.R.S.§13-4435(A)		✓		✓	✓				
To expect that reasonable efforts are made in notification of requests for a continuance. A.R.S.§13-4435(B)				✓	✓				
To expect that in granting a continuance in any proceeding, reasons will be stated for the continuance on record and the victim's views and right to a speedy trial shall be considered. A.R.S.§13-4435 (F)					✓				
To request and be informed of a reexamination proceeding within ten days of the proceeding at which a victim's right was denied or with leave of the court for good cause shown. A.R.S.§13-4436(A)	✓				✓				
To recover damages from a governmental entity responsible for the intentional, knowing or grossly negligent violation of right(s). A.R.S.§13-4437(B)	✓								
To have victims' rights posted and/or read in court. A.R.S.§13-4438					✓				
To leave work, if employer has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, to: A.R.S.§13-4439(A) 1. Exercise right to be present at a proceeding. 2. Obtain or attempt to obtain a protective order or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child.	✓			✓					
At the detection of a CRIMINAL OFFENSE, a victim has the right...									
To be provided a form by law enforcement to request or waive rights, designate a lawful representative, and be informed of the following: A.R.S.§13-4405 • Constitutional right to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse; • Availability of crisis intervention services, emergency and medical services, and reimbursement for medical expenses arising out of the need to secure evidence; • In cases of domestic violence, procedures and resources available for protection; • Names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment, and other supportive services; • The police report number, if available, other identifying case information, and the following statement: If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case. • Notification by the law enforcement agency at the earliest opportunity after the arrest of a suspect; • Upon arrest, can request to be informed of the suspect's release, schedule for initial appearance and right to be heard, and that, to exercise these rights, victim is to contact custodial agency regarding the release and contact the court regarding any changes to the initial appearance schedule. • If exercising the right to be heard through a written statement, how statement may be submitted to the court. • Victim or immediate family member of the victim, if victim is killed or incapacitated, has the right to receive copy of the police report, including supplements to the report, from the investigating law enforcement agency at no charge.		✓							
To be informed of the date, time and place of the initial appearance of the accused. A.R.S.§13-4406		✓							
Upon request, to receive a copy of the terms and conditions when the accused is released. A.R.S.§13-4407	✓		✓						
To receive notice when the accused has been released or has escaped and subsequent re-arrest. Ariz. Const., Art. 2, §2.1(A)(2); A.R.S.§13-4412(B)			✓						
To be present and heard at any proceeding in which the court considers the accused's post-arrest release or release conditions, including the suspect's initial appearance. A.R.S.§§13-4421; 13-4422	✓				✓				
To be informed of right to petition the court if the prosecutor decides not to move to revoke the bond or personal recognizance of the defendant based on a notarized statement asserting the harassment, threats, physical violence or intimidation (against victim or immediate family) by the defendant or on behalf of the defendant has occurred. A.R.S.§13-4432	✓			✓	✓				
Upon request, to receive one copy of the police report for part I crimes from the investigating law enforcement agency at no charge and the court or the clerk of the court shall provide, at no charge, the minute entry or portion of the record of any proceeding in the case that arises out of the offense and that is reasonably necessary for the purpose of pursuing a claimed victim's right. A.R.S.§39-127	✓	✓			✓				
At the PROSECUTORIAL REVIEW/CHARGING stage, a victim has the right...									
To be informed of the date, time, and place of the suspect's initial appearance *if it is in response to a summons or writ of habeas corpus*. A.R.S.§13-4406				✓					
Upon request, to receive a copy of the terms and conditions of the accused's release *if appeared in response to a summons*. A.R.S.§13-4407	✓			✓					
To be informed within seven days of charging, including: A.R.S.§13-4408(A) • Victims' rights; • Charge(s) against the defendant; • Clear explanation of the criminal justice process; • Procedures to invoke right to confer with prosecuting attorney; and • Person in prosecutor's office to contact for more information about the case.				✓					
To be informed if the prosecuting attorney declines to proceed with the case before the decision is final, including : Ariz. Const., Art. 2, §2.1(A)(6); A.R.S.§13-4408(B) • Reason(s) for declination; and • Opportunity to confer with the prosecutor before the decision is final, upon request.				✓					
At the PRE-TRIAL stage, a victim has the right...									
To receive notice of all scheduled proceedings and any changes in that schedule. A.R.S.§13-4409				✓	✓				
Upon request, to confer with the prosecuting attorney before a trial begins. Ariz. Const., Art. 2, §2.1(A)(6); A.R.S.§13-4419(B)	✓			✓					
Upon request, to have property returned taken in the course of the investigation or receive an explanation as to why the property cannot be returned. A.R.S.§13-4429(A)	✓	✓		✓	✓				
To refuse an interview by the defendant, deposition, or any other discovery request by the defense. If consenting to a defense interview, to select a time and place, impose other conditions, refuse to answer any question(s), or terminate the interview at any time. Ariz. Const., Art. 2, §2.1(A)(5); A.R.S.§13-4433(A)(D)	✓			✓					

*Chart is based on victim opting in for rights *pursuant to A.R.S. §§13-4405; 13-4411(B)*.

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At the stage of RESOLVING THE CHARGES, a victim has the right...									
Upon request, to confer with the prosecuting attorney and provide view about the disposition of a criminal offense, decision not to proceed with a criminal prosecution, dismissal, plea, or sentence negotiations and pretrial diversion programs. A.R.S.§13-4419(A)	✓			✓					
To be present and heard at a hearing regarding a plea, and notified of right to be present and heard. Ariz. Const., Art. 2, §2.1(A)(4); A.R.S.§13-4423(A)(B)(2)	✓			✓	✓				
To expect that a plea shall not be accepted unless reasonable efforts have been made to comply with victims' rights. A.R.S.§13-4423(B)				✓	✓				
At the SENTENCING stage, a victim has the right...									
To receive notice within 15 days after the conviction, acquittal, or dismissal of the charge(s) against the defendant. A.R.S.§13-4410(A)				✓					
To be informed within 15 days, upon the defendant's conviction, of the function of a Pre-Sentence Report and the name and phone number of the probation department preparing the report. A.R.S.§13-4410(B)(1)(2)				✓					
To make a Victim Impact Statement in writing or orally to the probation officer for use in the Presentence Report. A.R.S.§§13-4410(B)(1)(3); 13-4424(A)	✓			✓		✓			
Upon request, to review portions of the Pre-sentence Report and receive notice that the defendant has the right to view. Ariz. Const., Art. 2, §2.1(A)(7); A.R.S.§§13-4410(B)(1)(4); 13-4425	✓				✓				
To be present and heard at any proceeding involving sentencing or disposition. Ariz. Const., Art. 2,§2.1(A)(4); A.R.S.§ §13-4410(B)(6); 13-4426	✓				✓				
To receive notice of the time, place, and date of the sentencing proceeding. A.R.S.§13-4410(B)(7)				✓	✓				
To be informed of ability to file a restitution lien against any of the defendant's assets, if the court orders restitution. A.R.S.§§13-4410(B)(8); 13-806(A)				✓					
To present evidence, information, and opinions that concern the offense, defendant, sentence or the need for restitution at any aggravation, mitigation, presentence, or sentence proceeding. A.R.S.§§13-4410(C); 13-4426	✓				✓				
To provide a Victim Impact Statement in writing, orally, or by tape at the sentencing proceeding. A.R.S.§13-4428(B)	✓				✓				
At the POST-CONVICTION stage, a victim has the right...									
To receive prompt restitution from the convicted that caused loss or injury. Ariz. Const., Art. 2, §2.1(A)(8); A.R.S.§13-804(E)					✓	✓			
To bring a separate civil action for damages in excess of the amount of restitution. A.R.S.§13-807	✓								
Upon request, to receive a copy of the terms and conditions of the accused's release. A.R.S.§13-4407			✓				✓		
To receive notice of the sentence imposed on the defendant within 15 days of sentencing. A.R.S.§13-4411(A)				✓					
To receive a form that allows post-conviction notice request of all: A.R.S.§13-4411(B) • Post-conviction review and appellate proceedings; • Post-conviction release proceedings; • Probation modification proceedings that impact the victim; • Probation revocation or termination proceedings; • Any decision(s) that arise out of these proceedings; and, • All releases and escapes.				✓					
To receive notice of any post-conviction or appellate proceeding and the decisions arising out of those proceedings. A.R.S.§13-4411(D)				✓					
To be informed of how to request not to receive mail from an inmate. Should this be requested, the inmate shall be notified. A.R.S.§13-4411.01	✓			✓			✓		
To receive notice when the convicted person has escaped and subsequent re-arrest. Ariz. Const., Art. 2, §2.1(A)(2); A.R.S.§13-4412(B)			✓				✓		
To receive notice of the defendant's earliest release date, if the sentence exceeds six months within 30 days of receiving the post-conviction notice request. A.R.S.§ 13-4413(A)(1)							✓		
To receive notice when the convicted person is released at least 15 days prior to release. Ariz. Const., Art. 2, §2.1(A)(2); A.R.S. §13-4413(A)(2)(B)			✓				✓		
To receive notice at least 15 days after the death of a convicted person. A.R.S.§13-4413(A)(3)(B)			✓				✓		
To be heard at any proceeding where post-conviction release from confinement is being considered. Ariz. Const., Art. 2, §2.1(A)(9); A.R.S.§13-4414	✓				✓			✓	
To receive notice of any post-conviction release hearing at least 15 days prior to a hearing, and to receive notice of the decision within 15 days after. A.R.S.§13-4414(B)(C)								✓	
To receive any electronic recordings that are made during a post-conviction release hearing, on request, free of charge. A.R.S. §13-4414 (D)								✓	
To receive notice of the following proceedings where there is a(n): A.R.S.§13-4415(A) • Probation revocation disposition; • Court is asked to terminate the probation; • Proposed modification of terms are presented; and, • Arrest of a person on supervised probation who is arrested pursuant to a warrant issued for a probation violation.						✓			
To receive notice of: A.R.S.§13-4415(B) • Any proposed modification to terms of probation if the modification affects restitution, incarceration status, or the safety; • Right to be heard at a hearing that is set to consider any modification to be made to any term of probation; • Any violation of any term of probation that results in filing of a petition to revoke probation; • Petition to revoke probation alleging that defendant absconded; and, • Any conduct by the defendant that raises a substantial concern for safety.						✓			
To be heard at any probation revocation disposition or termination hearing. A.R.S.§13-4427	✓				✓				
To receive notice of the defendant's discharge from a mental health hospital at least ten days prior to release. A.R.S.§13-4416(A)									✓
To receive notice when the accused or convicted person escapes from a mental health hospital and to be informed of subsequent readmission. A.R.S. §13-4416(B)									✓
Upon request, to have property released if a photograph can be substituted. A.R.S.§13-4429(B)	✓	✓		✓	✓				
To seek to set aside the post-conviction release if not afforded the opportunity to be present or heard, and shall be afforded a reexamination proceeding after the parties are given notice. A.R.S.§13-4436(C)(D)	✓				✓		✓	✓	
To be present, heard, and notified at a proceeding in which a person's factual innocence is being considered, and to receive notice of the determination within 15 days after the order is entered. A.R.S.§13-4440	✓			✓					
To be present, heard, and notified at least 15 days in advance of a proceeding in which the defendant has filed a petition to restore the right to possess a firearm. A.R.S.§13-4441	✓			✓					

*Chart is based on victim opting in for rights *pursuant to A.R.S. §§13-4405; 13-4411(B)*.

12/8/2015