

# Crime Victims In Florida Have Rights

Article 1, Section 16 of the Florida Constitution and Chapter 960, Florida Statutes, give crime victims the following rights. **You have the right:**

- to receive due process from the courts.
- to be treated with fairness and respect for your dignity.
- to be free from intimidation, harassment, and abuse.
- to receive information concerning protection available to victims.
- within the judicial process, to be reasonably protected from the accused.
- to have the safety and welfare of you and your family considered when the court considers setting bail or pretrial release conditions that could affect you or your family.
- to receive information about crime victim's compensation.
- to be present at judicial proceedings and receive advanced notification, when possible, of judicial proceedings and notification of scheduling changes.
- to prevent disclosure of information or records that could be used to locate or harass you or your family or which could disclose confidential or privileged information about you.
- to make an oral or written victim impact statement at the time of sentencing of a defendant.
- to consult with the state attorney's office in certain felony cases regarding the disposition of the case.
- to the prompt return of your property when no longer needed as evidence.
- to full and timely restitution in every case and from each offender convicted of the crime for all losses suffered, both directly and indirectly, as the result of the criminal conduct.
- to proceedings free from unreasonable delay and to a prompt and final conclusion of the case and any related post-judgment proceedings. (In appropriate cases, the prosecutor may file a good faith demand for a speedy trial, allowing the case to be tried within sixty days, assuming the defendant's due process rights can be met by such, and advancement in the trial date. In non-capital cases, all state-level appeals and post-conviction proceedings must be complete within two years, unless the court enters an order with specific findings concerning why the court was unable to do so and the circumstances causing the delay.)
- to be informed of these rights and to seek an attorney's advice regarding these rights.
- to employ private counsel to represent your interests.
- if contacted by someone who is acting on behalf of a defendant to obtain information relating to a criminal proceeding, to be informed of the person's name and employer and that the person is acting on behalf of the defendant.

Also, where you make a specific request, **you have these additional rights:**

- to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if you are a witness at the proceeding. (For this purpose, consider providing the prosecutor an address, e-mail address, or telephone number at which you can quickly be reached, and update it during the pendency of your case.)
- to reasonable, accurate, and timely notice of any release or escape of the defendant and of any proceeding during which a right of yours as the victim may be implicated.
- to confer with the prosecutor concerning any plea agreements, restitution issues, participation in pretrial diversion or release programs by the defendant and sentencing or any other case disposition of the case.
- to be assisted by law enforcement agencies and state attorneys in informing your employer of the need for you to cooperate in the prosecution of the case that may necessitate the absence from work.
- to provide information to anyone conducting or compiling a pretrial investigation regarding the crime's impact on you or your family, and to have such information considered by the court. Once the report is completed, you have a right to receive a copy of it, except for portions confidential by law.
- to be informed of the conviction, sentence, adjudication, or other disposition of a convicted offender, his or her release date, or the date of their escape from custody.
- to be informed of all post-conviction processes and procedures and to provide information to the release authority to be considered before any such release. This right pertains to every person harmed by the offender.
- to be heard in any public proceeding involving bail or pretrial release.
- to be heard at all other stages of the criminal proceeding.
- to have a designated victim's advocate present during discovery at certain proceedings.
- to be informed of any clemency or expungement procedures engaged in by the offender, to provide information to the release authority and to have that information considered by the authority before a decision about release is made, and to be given notice of that authority's decision before the offender's release.
- Victims of domestic violence or sexual assault have additional rights found in sections 960.001 and 960.003, Florida Statutes.

## Questions?

For further information regarding additional rights to victims of crime, you may contact the state attorney's office or obtain a listing of your rights from the clerk of the court.

