



# 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.



- 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



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NM HB 342  
(2019)

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

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MI HB 4674  
& 4675  
(2021)

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

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DE HB 182  
(2021)

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

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# Legislative Responses: Compensation & Services



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



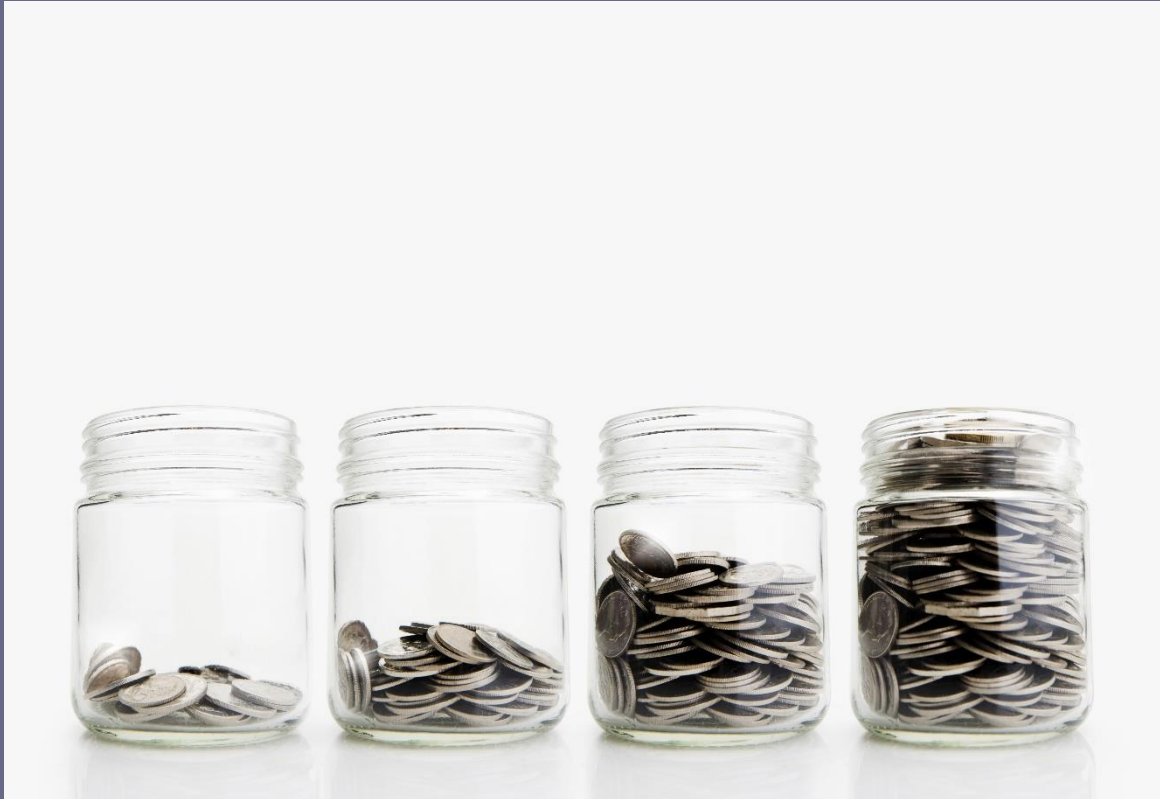
Addressing forensic backlogs and keeping victims informed about case status.

# 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?