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## LEGISLATURE OF THE STATE OF IDAHO

Sixty-fourth Legislature

Second Regular Session - 2018

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1 AN ACT

RELATING TO CRIME VICTIM PROTECTIONS; AMENDING CHAPTER 1, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-111, IDAHO CODE, TO PROVIDE THAT CRIME VICTIMS SHALL HAVE CERTAIN PROTECTIONS, TO PROVIDE FOR THE ASSERTION AND ENFORCEMENT OF PROTECTIONS, TO DEFINE A TERM AND TO PROVIDE THAT CERTAIN RIGHTS AND LEGAL ACTIONS WILL NOT BE AFFECTED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a <u>NEW SECTION</u>, to be known and designated as Section 19-111, Idaho Code, and to read as follows:

- 19-111. GOVERNMENT OBLIGATIONS TO PROTECT CRIME VICTIMS. (1) The state government is obligated to provide the following protections to crime victims:
  - (a) To be treated with fairness, respect, dignity and privacy throughout the criminal justice process;
  - (b) To timely disposition of the case;
  - (c) To reasonable and timely prior notification, upon request, of trial court, appellate, post-conviction, pardon, commutation and parole proceedings, to information about the sentence and incarceration of the accused and to reasonable and timely notification of the escape, absconsion and release of the accused;
  - (d) To be present at all public criminal justice proceedings;
  - (e) To confer with the prosecution;
  - (f) To be present, upon request, at all public criminal justice proceedings involving a plea, and to be heard at sentencing, parole, post-conviction relief, incarceration or release of the accused and at any public proceeding during which a right of the victim is implicated;
  - (g) To fair and timely restitution, as provided by law, from the person committing the offense that caused the victim's loss;
  - (h) To refuse an interview, ex parte contact, or other request by the accused, or any other person acting on behalf of the accused;
  - (i) To a reasonable and timely opportunity to read the presentence reports relating to the crime;
  - (j) To reasonable protection from the accused and those acting on behalf of the accused; and
  - (k) To the same protections in juvenile proceedings, where the offense would be a crime if committed by an adult, as guaranteed in this section.
- (2) The crime victim, the crime victim's attorney or other lawful representative or the attorney for the government upon request of the crime victim may assert and seek enforcement of the protections enumerated in this section and any other right afforded to the crime victim by law, which shall be acted upon promptly.

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 (3) As used in this section, a "crime victim" means any person directly harmed by the commission of a felony, or a misdemeanor involving physical injury, threatened physical injury or a sexual offense, or a person against whom such an offense is committed and may be further expanded in law.

- (4) Nothing in this section is intended to or shall be interpreted to supersede an accused's federal constitutional rights, nor to afford a crime victim an independent right to be heard as a party during trial.
- (5) Nothing in this section shall be construed to authorize a court to dismiss a case, to set aside or void a finding of guilt or an acceptance of a plea of guilty, or to afford a convicted person appellate, habeas corpus, or other relief from any criminal judgment; nor be construed as creating a cause of action for money damages, costs or attorney fees against the state, a county, a municipality, any agency, instrumentality or person; nor be construed as limiting any rights for crime victims previously conferred by statute.

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- 1 CRIME VICTIMS Adds to existing law to provide that crime victims shall have
- 2 certain protections.