
MARSY'S RIGHTS NOTIFICATION

3179.1 PURPOSE

These guidelines inform officers of their responsibilities under Proposition 9, the Victims' Bill of Rights Act of 2008. This proposition amended the California Constitution to provide addition rights to crime victims.

3179.2 INTRODUCTION

On November 4, 2008, California voters approved Proposition 9, the Victims' Bill of Rights Act of 2008 known as Marsy's Law. This measure amended California's Constitution to include a Bill of Rights for crime victims. The purpose of this constitutional amendment is to provide all victims with rights to justice and due process.

3179.3 AREAS COVERED

Marsy's law created a number of personally held and enforceable constitutional rights for victims of crime. The law further expanded the definition of "victim" to include "a person who suffers direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term "victim" also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term "victim" does not include a person in custody for an offense, the accused, or a person who the court finds would not act in the best interests of a minor victim." (Cal. Const., art 1, 28(e).)

Among the enumerated rights, is the right to be notified of these rights. In order to implement this provision, the Attorney General is required to design and make available to all state law enforcement agencies a "Marsy's Rights" card for distribution to crime victims. The card contains a list of the newly created rights, an 800 number victims may contact for additional information, and a list of various government funded agencies that may also be of assistance.

"Marsy Cards" are available in the Department's report room. These cards should be provided to victims at the time of initial contact, during follow-up investigation, or as soon thereafter.

3179.4 SUMMARY

The passage of Proposition 9 greatly expanded the definition of a crime "victim" and their rights under California's Constitution. Under this law, peace officers are required to provide crime victims with a "Marsy's Rights" card at the time of initial contact. The card explains the victim's rights and provides information regarding advocacy, support groups and available resources.