

# VICTIMS' RIGHTS BRIEF

For Arizona's Justice System Administrators, Practitioners and Advocates

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## Victims' Rights 2007 Legislative Update

The 48th Legislature's First Regular Session saw the Governor sign many victims' rights bills into law. For a review of all Victims' Rights Laws, please refer to Title 13, Chapter 40; Title 8, Chapter 3, Article 7, of the Arizona Revised Statutes or visit <http://www.azleg.gov/ArizonaRevisedStatutes.asp>.

A.R.S. § 13-810 (B) Consequences of nonpayment of fines, fees, restitution or incarceration costs  
Now includes a section specifically addressing a defendant's failure to pay restitution. The clerk of court responsible for imposing the restitution will notify the prosecutor and sentencing court monthly. The court, upon motion of the prosecuting attorney (on behalf of those entitled to the restitution, or the office) will require the defendant to show cause as to why the default should not be considered contempt. An arrest warrant may be issued for the defendant's appearance.

A.R.S. § 13-3602(O) Order of protection; procedures; contents; arrest for violation; penalty; protection order; from another jurisdiction  
Includes a statement requiring the custodial agency to make reasonable efforts to contact the victim and anyone else designated in the order of protection, if known to the custodial agency, immediately upon release of the arrested person.

A.R.S. § 13-4405.3(i) Information provided to victim by law enforcement agencies  
Requires that the law enforcement officer inform the victim or the immediate family of the killed or incapacitated victim, of the right to receive one copy of the police report from the investigating agency at no charge. (Please note: the State-produced Victims' Rights Request/Waiver form has been modified to include this right.)

A.R.S. § 13-4409(C) Notice of criminal proceedings  
Revised to include, in the prosecutors responsibilities, continuances as part of the notification to the victim.

A.R.S. § 13-4411 Notice of post-conviction review and appellate proceedings  
(D) Requires immediate notification to the victim, by the prosecutor's office, of any proceedings and decisions from the proceeding.  
(E) Effective December 1, 2007, the supreme court or court of appeals must send a victim (upon request) a copy of the memorandum decision or opinion concurrently with the parties. If the victim is represented by counsel, the notice will be sent to the victim through counsel.

A.R.S. §13-4430 Consultation between crime victim advocate and victim; privileged information; exception

(C) Changes the phrase “exculpatory material” to “exculpatory evidence”.

(F) Now reads: “If a crime victim consents either verbally or in writing, a crime victim advocate may disclose information to other professionals and administrative support persons that the advocate works with for the purpose of assisting the advocate in providing services to the victim.”

A.R.S. §13-4434 Victim’s right to privacy; exception

Added two sections:

(B) A victim’s contact and identifying information that is obtained, compiled or reported by a law enforcement agency shall be redacted by the originating agency in publicly accessible records pertaining to the criminal case involving the victim.

(C) Subsection B does not apply to the victim’s name, any records transmitted between law enforcement and prosecutorial agencies or a court, any records if the victim has consented to the release of the information or the address or location at which the reported crime occurred.

A.R.S. §13-4435 Speedy trial; continuances; notice

Added sections:

(B) Requires prosecutors to make reasonable efforts to notify a victim of any request for a continuance. If the victim is represented by counsel and counsel filed a notice of appearance, then the court will make reasonable efforts to notify counsel in the same manner as a party is notified.

(C) Motions to continue must be in writing unless the court finds exigent circumstances to allow oral motions.

(D) The court will grant continuances only if extraordinary circumstances exist and the delay works in the interest of justice. The continuance will be granted only for the time necessary to serve the interests of justice.

(E) Excludes the justice of the peace and municipal courts from subsections (B) and (C).

(F) Requires the court to consider the victim’s views and the victim’s right to a speedy trial prior to ruling on a motion for a continuance.

A.R.S. §13-4439 Right to leave work; scheduled proceedings; counseling; employment rights; nondiscrimination; confidentiality; definition

Added section:

(2) Obtain or attempt to obtain an order of protection, an injunction against harassment or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim’s child.

A.R.S. §39-127 Free copies of police reports and transcripts for crime victims; definitions

Includes that on request of the victim, the court or clerk of court will provide at no charge, the minute entry or portion of the record of any proceeding of the case related to an offense committed against the victim needed for pursuing a claimed victims’ right.

A.R.S. §12-253.8 Powers and duties

Requires adult probation officers among various other duties, to monitor the payment of restitution.

The following is a summary of the legislative changes also affecting victims:

- SB 1006 ADOT records; domestic violence victims: This bill allows domestic violence victims to protect their MVD records from public access.
- SB 1009 Appropriation; domestic violence; emergency beds: \$3 million in new funding allows domestic violence shelters to work towards ending turn-away for service. The state now contributes \$7.3 million to shelters from the General Fund.
- SB 1020 Consecutive sentencing: This bill makes the sentences given for certain violent offenses committed while incarcerated be required to be served consecutive to a current sentence, rather than concurrently.
- SB1424 Aggravated Domestic Violence: This bill lengthens the amount of time from 5 to 7 years for the three strikes rule to apply to misdemeanor domestic violence charges
- SB1227 Landlord tenant act; lease termination; domestic violence victims: This bill allows victims of domestic violence to terminate their rental agreements upon notice and demonstration of domestic violence without penalty.
- SB1229 Excludes time spent while incarcerated or on absconder status for the purposes of determining the 7-year period for an aggravated driving under the influence conviction.
- SB 1252 Prohibits the suspension of the jail sentence of a person convicted of a first-offense extreme driving under the influence (DUI).
1. Removes the ability of judges to suspend all but 10 days of first offense extreme DUI sentences, thereby mandating that offenders serve the entire 30 day jail term.
  2. Requires the attendance and completion of a drug or alcohol screening, education, or treatment program from an approved facility by extreme DUI offenders.



The Victims' Rights Brief is published by the Arizona Attorney General's Office of Victim Services, which remains wholly responsible for its content. The goal in generating the Brief is to promote justice and healing for crime victims by sharing information and fostering sensitivity within the justice system. Questions regarding content can be directed to Mel Williams at (602) 542-8409. To learn more about victims' rights via the Internet, email us at [victimrights@azag.gov](mailto:victimrights@azag.gov) or visit us at [www.azag.gov](http://www.azag.gov)