

VICTIM'S RIGHTS NOTIFICATION FORM (CRIMINAL OFFENSE)

State of Idaho vs. _____ Case No. _____

Victim: _____

Pursuant to Idaho Code §19-5306, each victim of a criminal offense shall be:

- (a) Treated with fairness, respect, dignity, and privacy throughout the criminal justice process;
- (b) Permitted to be present at all criminal justice proceedings;
- (c) Entitled to a timely disposition of the case;
- (d) Given prior notification of trial court, appellate and parole proceedings and, upon request, to information about the sentence, incarceration or release of the defendant;
- (e) Heard, upon request, at all criminal justice considering a plea of guilty, sentencing, incarceration, or release of the defendant, unless manifest injustice would result;
- (f) Afforded the opportunity to communicate with the prosecution and be advised of any proposed plea agreement by the prosecuting attorney prior to entering into a plea agreement in criminal offenses involving crimes of violence, sex crimes or crimes against children;
- (g) Allowed to refuse an interview, ex parte contact or other request by the defendant or any other person acting on behalf of the defendant, unless such request is authorized by law;
- (h) Be consulted by the probation department during the preparation of the presentence report and have included in that report a statement of the impact which the defendant's criminal conduct had upon the victim and shall be allowed to read, prior to the sentencing hearing, the presentence report relating to the crime. The victim shall maintain the confidentiality of the presentence report and shall not disclose its contents to any person except statements made by the victim to the prosecuting attorney or the court;
- (i) Assured the expeditious return of any stolen or other personal property by law enforcement agencies when no longer needed as evidence;
- (j) Notified whenever the defendant or suspect is released or escapes from custody. When release is ordered prior to final conviction, notice to the victim shall be given by the law enforcement authority from whose custody the defendant was released. When the release is granted subsequent to a final conviction, notice shall be given to the victim by the law enforcement authority from whose custody the defendant was released unless release is granted by the commission of pardons and parole, in which case the commission shall notify the victim.

A "criminal offense" for purposes of the rights described above is "any charged felony or a misdemeanor involving physical injury, or the threat of physical injury, or a sexual offense."

A form will be provided upon request for the purpose of notifying the Prosecuting Attorney's Office and the Court of the rights which you intend to exercise. This form may be obtained from the Bingham County Prosecutor's Office, 501 North Maple, #302, Blackfoot, Idaho 83221.