

Victims of Crime and Leniency, Inc.

Crime Victims Bill of Rights



VICTIMS OF CRIME
AND LENIENCY, INC.

ADVOCACY FOR CRIME VICTIMS SINCE 1982

The Quenette Shehane Center

422 South Court Street
Montgomery, Alabama 36104

1-800-239-3219
(334) 262-7197

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

Section 15-23-62

Law enforcement agency required to provide victim with information concerning services, compensation benefits, etc.

Within 72 hours, unless the victim is unavailable or incapacitated as a result of the crime, after the initial contact between a victim of a reported crime and the law enforcement agency either responding to the report of the crime of the victim or another person, or having responsibility for investigating the crime, the law enforcement agency shall provide to the victim in a manner and form designed and produced for the appropriate governmental agency or office, the following information:

- (1) The availability of emergency and crisis services.
- (2) The availability of victims' compensation benefits and the name, address, and telephone number of the Alabama Crime Victims Compensation Commission.
- (3) The name of the law enforcement officer and telephone number of the law enforcement agency with the following statement attached: "If within 60 days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case."
- (4) The procedural steps involved in a criminal prosecution.
- (5) The rights authorized by the Alabama Constitution on rights of victims, including a form to invoke these rights.
- (6) The existence and eligibility requirements of restitution and compensation pursuant to Section 15-18-65 et seq. and Section 15-23-1 et seq.
- (7) A recommended procedure if the victim is subjected to threats or intimidation.
- (8) The name and telephone number of the office of the prosecuting attorney to contact for further information.

(Acts 1995, No. 95-583, p. 1234, §3.)

Section 15-23-63

Prosecuting attorney required to notify victim of charges and proceedings; request for notice.

- (a) Upon written request of the victim, the prosecuting attorney shall notify the victim of all charges filed against the defendant, criminal proceedings, except initial appearances, as soon as practicable, including any changes that may occur.
- (b) The victim shall provide to and maintain with the office of the prosecuting attorney a request for notice on a form provided by the agency. The form shall include the telephone number and address of the victim. If the victim fails to keep this information current, his or her request for notice shall be considered withdrawn and

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

void. Except as otherwise provided, all notices provided to a victim pursuant to this article shall be on forms developed and produced for the appropriate government agency or office.

(Acts 1995, No. 95-583, p. 1234, §4.)

Section 15-23-64

Prosecuting attorney required to confer with victim prior to final disposition of offense.

The prosecuting attorney shall confer with the victim prior to the final disposition of a criminal offense, including the views of the victim about a nol pros, reduction of charge, sentence recommendation, and pre-trial diversion programs.

(Acts 1995, No. 95-583, p. 1234, §5.)

Section 15-23-65

Prosecuting attorney required to confer with victim before commencement of trial.

The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed.

(Acts 1995, No. 95-583, p. 1234, §6.)

Section 15-23-66

No right to direct prosecution.

The rights of the victim do not include the authority to direct the prosecution of the case.

(Acts 1995, No. 95-583, p. 1234, §7.)

Section 15-23-67

Right to be present throughout proceedings.

The victim has the right to be present throughout all criminal proceedings pursuant to Section 15-14-50 et seq.

(Acts 1995, No. 95-583, p. 1234, §8.)

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

Section 15-23-68

Waiting area for victim; court to minimize contact of victim with defendant.

The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings.

(Acts 1995, No. 95-583, p. 1234, §9.)

Section 15-23-69

Testimony concerning information about victim; information about victim in court file.

(a) Based upon the reasonable apprehension of the victim of acts or threats of physical violence or intimidation by the defendant, the family of the defendant, or by anyone at the direction of the defendant, against the victim or the immediate family of the victim, the prosecutor may petition the court to direct that the victim or any other witness not be compelled to testify during pre-trial proceedings or to any trial, facts that could divulge the identity, residence, or place of employment of the victim, or other related information without consent of the victim unless necessary to the prosecution of the criminal proceeding. If the court schedules a hearing on the merits of the petition, it shall be held in camera.

(b) The address, phone number, place of employment, and other related information about the victim contained in the court file shall not be public record.

(Acts 1995, No. 95-583, p. 1234, §10.)

Section 15-23-70

Right to refuse defendant's request for interview.

The victim has the right to refuse a request by the defendant, the attorney of the defendant, or by any other person acting on behalf of the defendant, for an interview or other communication with the victim.

(Acts 1995, No. 95-583, p. 1234, §11.)

Section 15-23-71

Plea agreement.

The victim has the right to be present at any proceeding at which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court. The court shall not accept a plea agreement unless:

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

(1) The prosecuting attorney advises the court that, before requesting the negotiated plea, reasonable efforts were made to confer with the victim.

(2) Reasonable efforts are made to give the victim notice of the plea proceeding, including the offense to which the defendant will plead guilty, the date that the plea will be presented to the court, the terms of any sentence agreed to as part of the negotiated plea, and that the victim has the right to be present.

(3) The prosecuting attorney advises the court that, to the best of his or her knowledge, the notice requirements of this article have been met.

(Acts 1995, No. 95-583, p. 1234, §12.)

Section 15-23-72

Right to pre-sentence information.

The prosecuting attorney shall provide to the victim the date of a conviction, acquittal, or dismissal of the charges filed against the defendant and prior to sentencing, when applicable, notice of the following:

(1) The criminal offense for which the defendant was convicted, acquitted, or the effect of a dismissal of the charges filed against the defendant.

(2) If the defendant is convicted, on request, the victim shall be notified, if applicable, of the following:

a. The existence and function of the pre-sentence report.

b. The name, address, and telephone number of the office of the Board of Pardons and Paroles which is preparing the pre-sentence report.

c. The right to make a victim impact statement.

d. The right of the defendant to view the pre-sentence report.

e. The right to be present and be heard at any sentencing proceeding.

f. The time, place, and date of the sentencing proceeding.

g. If the court orders restitution, the right to pursue collection of the restitution as provided by Section 15-18-65 et seq.

(Acts 1995, No. 95-583, p. 1234, §13.)

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

Section 15-23-73

Impact statement; right to review pre-sentence investigative report.

(a) The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.

(b) The victim shall have the right to review a copy of the pre-sentence investigative report, subject to the applicable federal or state confidentiality laws, at the same time the document is available to the defendant or his or her counsel.

(Acts 1995, No. 95-583, p. 1234, §14.)

Section 15-23-74

Right to present evidence, statement, etc., during sentencing or restitution proceedings.

The victim has the right to present evidence, an impact statement, or information that concerns the criminal offense or the sentence during any pre-sentencing, sentencing, or restitution proceeding.

(Acts 1995, No. 95-583, p. 1234, §15.)

Section 15-23-75

Right to information concerning defendant's sentence, request for notice, post-conviction review, etc.

The victim has the right to the following information:

(1) As soon as practicable, after the date of sentencing, the office of the prosecuting attorney shall notify the victim of the sentence imposed on the defendant.

(2) The names, addresses, and telephone numbers of the appropriate agencies and departments to whom request for notice should be provided.

(3) The status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings shall be furnished to the victim by the Office of the Attorney General or the office of the district attorney, whichever is appropriate, immediately after the status is known.

(4) If the terms and conditions of a post-arrest release include a requirement that the accused post a bond, the sheriff or municipal jailer shall, upon request, notify the victim of the release on bond of the defendant.

(5) The agency having physical custody of a prisoner shall, if provided a request for notice, and as soon as practicable, give notice to the victim of the escape and, subsequently, the return of the prisoner into custody.

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

(Acts 1995, No. 95-583, p. 1234, §16.)

Section 15-23-76

Right to be present and heard at court proceeding.

It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forth with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement.

(Acts 1995, No. 95-583, p. 1234, §17.)

Section 15-23-77

Right to have property returned.

(a) Prior to the admission of evidence to the court, on request of the victim, after consultation and written approval by the district attorney or Attorney General, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.

(b) If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the district attorney or the Attorney General, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.

(Acts 1995, No. 95-583, p. 1234, §18.)

Section 15-23-78

Right to information from agency having physical custody of prisoner.

Any custodial agency having physical custody of the prisoner, if provided a request for notice, shall mail to the victim the following information:

- (1) Notice of an end of sentence release within 15 days prior to the end of the sentence of the prisoner.
- (2) Notice of the death within 15 days after the prisoner has died.

(Acts 1995, No. 95-583, p. 1234, §19.)

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

Section 15-23-79

Submission of victim's statement into prisoner's records.

(a) The victim shall have the right to be notified, upon written request, that he or she may submit a written statement, or recorded oral transcription, which shall be entered into the prisoner's Department of Corrections records. The statement shall be considered during any review for community status of the prisoner or prior to release of the prisoner.

(b) The victim shall have the right to be notified by the Board of Pardons and Paroles and allowed to be present and heard at a hearing when parole or pardon is considered pursuant to Section 15-22-36 et seq.

(Acts 1995, No. 95-583, p. 1234, §20.)

Section 15-23-80

Facility with custody of defendant to send victim release opinion.

Upon written request of the victim, the Alabama Department of Mental Health and Mental Retardation, or other facility with custody of the criminal defendant, shall send the victim a copy to the address stated in the request, of its release opinion which was provided to the appropriate court pursuant to Section 15-16-63 et seq.

(Acts 1995, No. 95-583, p. 1234, §21.)

Section 15-23-81

Victim to respond to subpoena or to participate in proceeding preparation without loss of employment or fear of loss.

The victim shall respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceeding without the loss of employment or the intimidation, threats, or fear of the loss of employment.

(Acts 1995, No. 95-583, p. 1234, §22.)

Section 15-23-82

Clerk of court to accept and disburse restitution.

The clerk of the court is authorized and shall accept partial payments from defendants when directed to do so by the court, pursuant to the conditions in Section 12-19-26. The clerk of the court shall disburse restitution to victims or the authorized recipient, including partial periodic payments as ordered under any judgment, decree, or order of the circuit or district court, pursuant to Section 15-18-65 et seq. The disbursements shall be made to the victims or the authorized recipient no later than the time provided in Rule 4, Alabama Rules of Judicial Administration. The clerk of the court shall, at the end of each month, provide to the district attorney and

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

probation office a list of the names of defendants who are delinquent in their restitution payments under a court-approved installment plan or any other deferred-payment time period specified by the court in its sentencing order.

(Acts 1995, No. 95-583, p. 1234, §23.)

Section 15-23-83

Assertion of rights by Attorney General or district attorney.

The Attorney General or district attorney may assert any right to which the victim is entitled.

(Acts 1995, No. 95-583, p. 1234, §24.)

Section 15-23-84

Failure to provide right or notice not grounds for setting aside sentence.

The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

(Acts 1995, No. 95-583, p. 1234, §25.)

**2023 CODE OF ALABAMA
TITLE 15 - CRIMINAL PROCEDURE.
CHAPTER 23 - ALABAMA CRIME VICTIMS.
Article 5 - Sexual Assault Survivors Bill of Rights
Section 15-23-121 - Rights of Sexual Assault Victims.**

Universal Citation: AL Code § 15-23-121 (2023)

Section 15-23-121

Rights of sexual assault victims.

(a) A sexual assault survivor has the following rights:

(1) a. Not to be prevented from, or charged for, receiving a medical forensic examination.

b. For the purposes of this subdivision, a health care provider may bill a health insurer for providing a medical forensic examination.

(2) To have a sexual assault evidence collection kit or its probative contents preserved by law enforcement agencies, without charge, for at least 20 years or until the survivor reaches 40 years of age if the survivor was a minor when the assault occurred.

(3) Upon request, to be informed by the investigating law enforcement agency, of test results from the sexual assault evidence kit, including a DNA profile match, or other information collected as part of a medical forensic examination, if the disclosure would not impede or compromise an ongoing law enforcement investigation.

- (4) Upon written request, to be informed of policies governing the collection and preservation of a sexual assault evidence collection kit.
- (5) Upon written request, to receive written notification, from the investigating law enforcement agency with custody of the kit or its probative contents, of the intended destruction or disposal of the kit or its probative contents at least 60 days before the intended destruction or disposal.
- (6) Upon written request, to be granted further preservation of the kit or its probative contents for an additional 20 years.
- (7) To be informed of the rights under this subsection.
 - (b) The term sexual assault, as used in this section, is defined as any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

Important Resources

Alabama Crime Victims Compensation Commission

800.541-9388

www.acvcc.alabama.gov

Alabama Department of Corrections

334.353-3871

www.doc.state.al.us/victim.aspx

Alabama Department of Human Resources

334.242.9500

www.dhr.state.al.us

Alabama Department of Senior Services

800.243.5463

www.alabameageline.gov

Alabama's Coalition Against Domestic Violence

334.832.4842 or 800.650.6522

www.acadv.org

Alabama's Coalition Against Rape

334.264.0123

www.acar.org

Mothers Against Drunk Driving (Alabama)

334.277.7722 or 800.635.0722

www.madd.org/local-offices/al

National Center for Victims of Crime

202.467.8700

www.victimsofcrime.org

National Children's Advocacy Center

256.533.KIDS (5437)

National Domestic Violence Hotline

800.799.SAFE (7233)

www.thehotline.org

National Organization for Victim Assistance

800.TRY.NOVA (879.6682)

www.trynova.org

National Teen Dating Abuse Hotline

866.331.9474

www.loveisrespect.org

Victim Connect Resource Center

855-4-VICTIM-(855.484.2846)

www.VictimConnect.org

Victims of Crime and Leniency (VOCAL)

800.239.3219

www.vocalonline.org

Attorney General's Office

+1 (800) 626-7676

www.alabamaag.gov

State of Alabama Board of Pardons and Paroles

+1 (334) 242-8700

www.pardons.alabama.gov



vocalonline.org



[victimsofcrimeandleniency](https://www.facebook.com/victimsofcrimeandleniency)



[victimsofcrimeandleniency](https://www.instagram.com/victimsofcrimeandleniency)



[@vocalonline](https://twitter.com/vocalonline)



vocal@vocalonline.org



(334) 262-7197



Miriam Shehane



Quenette Shehane

VOCAL – Victims of Crime and Leniency – is a non-profit organization established in 1982 to assist victims of crimes and their families as they travel through a criminal justice system that is foreign to them and not a road they sought to travel. VOCAL’s founder was Miriam Shehane became involved in the criminal justice system after her daughter, Quenette Shehane, was brutally murdered in Birmingham in 1976. Miriam found that the justice system had no place for victims in it and she took on a lifelong mission to change that for others.

In 1976, Miriam learned that victims and their families had no right to be present in the courtroom during hearings or trials. She also found that there was no requirement that victims or their families be contacted about those hearings and trials, or to be contacted for parole hearings for convicted inmates. Miriam organized other survivors to join her efforts to have legislation passed that would address the rights of crime victims. The Courtroom Attendance Act and the Parole Notification bill were passed in 1983. Due to the efforts of Miriam and VOCAL, the rights of victims or their families to be present and notified are now enshrined in the Alabama Constitution: “§ 6.01. Basic rights for crime victims: (a) Crime victims, as defined by law or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.”

The Quenette Shehane Center
422 South Court Street
Montgomery, Alabama 36104

1-800-239-3219
(334) 262-7197