

# VICTIM RIGHTS IN MINNESOTA

## Right to be Notified of

- ♦ Victim rights.
- ♦ Prosecution process and the right to participate.
- ♦ Content of any plea bargain agreements.
- ♦ Changes in court proceeding schedule when a victim has been subpoenaed or requested to testify.
- ♦ Final disposition of the case.
- ♦ Appeals filed by the defendant, the right to attend the oral argument or hearing, and the right to be notified of the final disposition.
- ♦ Sentence modifications for the offender, including the date, time and location of the review.
- ♦ Release, transfer, or escape of the offender from prison or custodial institution.
- ♦ Offender's petition for expungement.
- ♦ Right to request restitution and right to apply for reparations.
- ♦ Information on the nearest crime victim assistance program or resource.

## Right to Participate in Prosecution

- ♦ Right to request a speedy trial.
- ♦ Right to provide input in a pretrial diversion decision.
- ♦ Right to object orally or in writing to a proposed disposition or sentence.
- ♦ Right to object orally or in writing to a plea agreement at the hearing.
- ♦ Right to inform court of impact of crime orally or in writing at the sentencing hearing.
- ♦ Right to inform court at the sentencing hearing of social and economic impact of crime on persons and businesses in the community.
- ♦ The right to be present at the sentencing and plea presentation hearings.

## Right to Protection from Harm

- ♦ Right to a secure waiting area during court proceedings.
- ♦ Right to request address and other information be withheld in open court.
- ♦ Right to request law enforcement to withhold their identity from the public.
- ♦ Right to confidential request for HIV testing of offender in sexual assault cases.
- ♦ Tampering with a witness is a crime and should be reported.
- ♦ Employers may not discipline or dismiss victims or witnesses who are called to testify in court.

## Right to Apply for Financial Assistance

- ♦ Victims of violent crime may apply for financial assistance (reparations) from the state if they have suffered economic loss as a result of the crime.
- ♦ Victims may request the court to order the defendant to pay restitution if the defendant is found guilty or pleads guilty.
- ♦ Victims may request that a probation violation hearing be schedule 60 days prior to the expiration of probation if restitution has not been paid.

## Domestic Violence and Harassment Victims

- ♦ Right to be informed of decision by the prosecutor to decline prosecution or dismiss case, accompanied by information about seeking a protective or harassment order at no fee.

How can I get specific information about the case?

Call your local law enforcement agency, prosecutor's office, or victim service provider for information.

What if I need financial assistance?

You could be eligible for reparations from the state of Minnesota if you are a victim of a violent crime and have out-of-pocket costs related to medical, counseling, a funeral or wage loss. You could be eligible for restitution from the defendant if he/she is found guilty or enters a guilty plea.

What should I do if I receive a subpoena or am called to testify?

A subpoena is a court order to appear in court. Read it very carefully. It will have instructions on who you should call for court information and location. However, if you have a scheduling conflict or have any questions, you should call whoever sent the subpoena. As a witness, you will receive a small fee for your time and mileage.

Do these rights apply when the offender is a juvenile?

Yes.

How will I know when the offender gets out of jail or prison?

To be informed about an offender's release from jail or prison, you must make a special request to be notified. Contact VINE or talk to a local victim service provider for more information.

Can I attend all the hearings?

Yes, in general, criminal court proceedings involving adult defendants are open to the public. A judge may close a hearing or exclude a party under certain circumstances.

