



CRIME VICTIM RIGHTS IN ALASKA

As a crime victim, you have both constitutional and statutory rights in the state of Alaska. Some of the rights are automatic. Meaning you don't have to request the rights to activate them but other rights are activated only upon request. The following lists are separated into automatic rights and request activated rights crime victims have through the point the defendant is sentenced. Additionally, as a crime victim, the Alaska Office of Victims' Rights (OVR) can provide free legal representation to you in the criminal matter to make sure your crime victim rights are protected as the case moves through the criminal justice system. To receive help from OVR at any point in the case, call (907)754-3460 or go online to their website www.ovr.akleg.gov .

KEY CRIME VICTIMS' AUTOMATIC RIGHTS

These rights exist automatically and do not require a victim to invoke or request them.

- 1) To be reasonably protected from the offender through appropriate bail or conditions of release by the court
- 2) To confer with the prosecution
- 3) To be treated with dignity, fairness and respect throughout the criminal justice process

ADDITIONAL AUTOMATIC RIGHTS

- To obtain information about and to be present at all criminal or juvenile proceedings where the offender has a right to be
- To restitution from the offender
- To a timely disposition of the case
- To have confidential communication between a sex offense or DV victim and counselor be privileged
- To not have to speak to defense counsel or defense investigators if they don't want to
- To receive notice of hearings where the offender's release is considered
- To be notified of the trial date and time and to be presented throughout the trial
- To not be penalized by their employer if subpoenaed or requested to attend court for testimony
- To be notified of any request for a continuance that may substantially delay the trial date, sentencing or appeal
- To submit a victim impact statement for the Pre-Sentence Report
- To be informed by the prosecution, after conviction, about the defendant's complete conviction record
- To be notified of escape or release of the defendant

CRIME VICTIMS' REQUESTED RIGHTS

These rights are triggered by a request from the victim.

- To be heard at sentencing, or at any hearings before or after conviction in which the defendant's release from custody is considered
- To participate at the defendant's initial appearance before a magistrate when bail conditions are set
- To have certain sections of the Pre-Sentence Report such as the summary of the crime, defendant's statement, summaries of victim(s) statement(s), letters of support for either the victim(s) or the defendant(s), and Department of Corrections recommendation

The following rights apply to victims of a felony or domestic violence crime if requested, and require the prosecutor to make reasonable efforts

- To confer with the victim about a proposed plea agreement before entering into the agreement with the defendant
- To confer with the victim about his/her testimony before the trial
- To notify the victim in a way reasonably calculated to give prompt actual notice of the crimes the defendant was convicted of
- To notification by the prosecution that the victim can make a written and/or oral statement for use in the pre-sentence report in felony cases and that the victim at sentencing can present a written statement and/or oral presentation
- To be notified by the prosecution in writing of the final disposition in the case within 30 days after the final disposition
- To notification by the prosecution of any pending motion that may delay the case more than 30 days in a misdemeanor and 60 days in a felony, and the prosecutor must inform the court of the victim's position on the motion
- To ask the court for the defendant to submit to a blood test for HIV or other STDs in a charged sexual assault cases where penetration occurred, and more than 7 days has lapsed since charging.
- To free counseling, testing, and appropriate referrals if blood test indicates exposure to or infection from HIV or other STIs

**There are additional victim rights that fall within each of these categories but the above are the more common and more relied upon rights.*