

**BASIC RIGHTS TO ARKANSAS CRIME VICTIMS  
ACT 1262 OF 1997**

Great strides are being made to help balance the scales of justice for crime victims. Effective January 1, 1998, Arkansas law mandates that certain basic rights be afforded to people victimized by crime in the State of Arkansas.

Act 1262 of 1997, provides that rights be afforded to a sex offense, or a victim of a violent crime - which includes a felony resulting in physical injury to the victim, any felony involving the use of a deadly weapon, terroristic threatening in the first degree, and stalking.

**AGENCIES INVOLVED IN PRESERVING RIGHTS OF ARKANSAS VICTIMS:**

- \* INVESTIGATING LAW ENFORCEMENT AGENCY
- \* PROSECUTING ATTORNEY
- \* DEPARTMENT OF CORRECTIONS
- \* ARKANSAS ATTORNEY GENERAL
- \* POST PRISON TRANSFER BOARD
- \* STATE HOSPITAL

These agencies can provide information to a victim concerning the investigation, prosecution, incarceration, or other matter involving the defendant's progress through the Arkansas justice system.

**ACT 1262 OF 1997 GENERAL OVERVIEW OF BASIC RIGHTS TO ARKANSAS CRIME VICTIMS:**

**The right to be present:**

- \* A victim can be present at any proceeding where the defendant has a right to be present, unless the court determines that the victim's presence will jeopardize the defendant's right to a fair trial.
- \* Employers may not discharge or discipline a victim for participating in the criminal justice process.

**The right to be informed:**

- \* Victims are to be notified of the availability of victim services and victim compensation.
- \* Victims are to be notified of critical events in the criminal justice system.
- \* Victims are to be notified of any pre-trial or post-trial release of the defendant.
- \* Victims are to be provided with information concerning a defendant's appeals or post-conviction remedies.

**The right to submit victim impact statements:**

- \* During sentencing proceedings and parole hearings, victims may submit a victim-impact statement, either written or oral. The statement can include information about the effects of the crime on the victim, the circumstances surrounding the crime, or the manner in which the crime was perpetrated.

**The right to basic privacy:**

- \* Victims can not be compelled to disclose their residential address or place of employment when testifying, unless the court determines it is necessary.
- \* Law enforcement agencies are prohibited from disclosing the identity of the victims of sexual crimes, except under certain conditions.
- \* A victim's address and phone number are exempt from the Freedom of Information Act.

Acts 1997, No. 1262, S 5. **LAW ENFORCEMENT RESPONSIBILITY**  
16-90-1107

(a) After initial contact between a victim and a law enforcement agency responsible for investigating a crime, the agency shall promptly give in writing to the victim:

(1) An explanation of the victim's rights under this subchapter; and

(2) Information concerning the availability of ;

(i) Assistance to victims, including medical, housing, counseling, financial, social, legal, and emergency services;

(ii) Compensation for victims under the Arkansas Crime Victims Reparations Act, S 16-90-701 et seq., and the name, street address, and telephone number of the agency to contact;

(iii) Protection of the victim, including protective court orders; and

(iv) Access by the victim and the defendant to public records related to the case.

(b) As soon as practicable, the law enforcement agency shall give to the victim, as relevant, the following:

(1) Information as to the suspect's identity unless inconsistent with law enforcement purposes;

(2) Information as to whether the suspect has been taken into custody, has escaped, or has been released, and any conditions imposed on the release when such information has been made known to the law enforcement agency;

(3) The file number of the case and the name, office address, and office telephone number of a law enforcement officer assigned to investigate the case; and