

# THE RIGHTS OF CRIME VICTIMS IN COLORADO

As a crime victim you may have experienced injury, loss, confusion, and a disruption of your life. Having information and an understanding about the criminal justice system may be helpful to you at this time.

Once a crime is reported to a law enforcement agency, the criminal justice system process begins. It can be a confusing and frustrating experience. There are victim/witness advocates throughout Colorado to provide support and assistance to victims of crime during this process.

In 1992, Colorado voters amended the state Constitution to include Victim Rights. The Victim Rights Amendment states: *Any person who is a victim of a criminal act or such person's designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed and present at all critical stages of the criminal justice process. All terminology, including the term "critical stages" shall be defined by the general assembly (Article II, Section 16A Colorado State Constitution).*

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## Victim Rights Act

The enabling legislation known as the Victim Rights Act provides victims of crime an active role in the criminal justice process. The following is a **summary** of the rights guaranteed by the Victim Rights Act. *(For the full VRA refer to Colorado Revised Statutes 24-4.1-301, through 24-4.1-304 at <https://dcj.colorado.gov/dcj-offices/victims-programs/crime-victim-rights-act-vra>):*

- To be **treated with fairness, respect and dignity**, and to be free from intimidation, harassment, or abuse;
- To be informed of the availability of financial assistance, community resources, and the possibility of restorative justice practices;
- To be **present and heard** regarding bond reduction or modification, modification to a criminal protection order, a subpoena for the victim's records, motions for sequestration of the victim from a critical stage, or the acceptance of a plea agreement;
- To be **heard by phone or similar technology** when a victim cannot appear in court (at the court's discretion);
- To be informed of the status of the case, scheduling changes or cancellations, and of the final case disposition;
- To **consult with the district attorney** prior to any disposition of the case and/or before the case goes to trial;
- To have the court prevent any party at any court proceeding from compelling testimony regarding a victim's address, telephone number, place of employment or other locating information;
- To receive and prepare a **victim impact statement** and to be present and/or heard at the sentencing hearing;
- To have the court determine the amount of restitution, if ordered, and to be informed of the right to pursue a civil judgement against the person accused of the crime;

### After sentencing, victims have the right:

- To be informed when a person convicted of a crime against the victim is transferred to a less secure correctional facility, placed on non-residential status, is permanently or conditionally transferred from any state hospital, or is released, discharged, or permanently transferred from the custody of county jail or department of corrections;
- To be informed of and/or heard at any proceeding at which post-conviction release from confinement in a secure state correctional facility, or the sealing/expungement of records is being considered;
- To have the victim's social security number redacted or excluded from criminal justice documents when records are released to someone other than the victim, a criminal justice agency, or the defendant's attorney of record;
- To be informed of the process for enforcing compliance with the Victim Rights Act;

### Agency Responsibilities

- *Agencies with Automatic Responsibilities to Provide Notification:* Law Enforcement, District Attorney, Division of Youth Services, Judges/Courts, Community Corrections, Department of Corrections/Parole, State Mental Health Hospital.
- *Agencies that Require Victims to Request Notification:* Probation (mandatory notification if probationer absconds).

### Victim Responsibilities

- Keep appropriate criminal justice authorities informed of personal contact information, and request that such information be kept confidential.
- Provide written request to probation for post-sentencing information. Information on requesting notification from such agencies can be found at <https://dcj.colorado.gov/dcj-offices/victims-programs/crime-victim-rights-act-vra>.

*A victim's rights are related to certain "critical stages" in the criminal justice process. For a list of these stages and of the crimes covered by the victim rights act, or for more information about the rights of crime victims in Colorado, visit the Colorado Department of Criminal Justice, Office for Victims Program website at <https://dcj.colorado.gov/dcj-offices/victims-programs/crime-victim-rights-act-vra> or call 303-239-5719 or toll free at 1-888-282-1080*