

# VICTIMS UNDER MARSY'S LAW

Upon request have the right to:

- Timely notice of all proceedings.
- Be heard in any proceeding involving release, sentencing, or consideration of pardon, commutation, granting of reprieve, or other matter involving the right of a victim;
- Be present in all proceedings, other than Grand Jury;
- Proceedings free from unreasonable delay;
- Consult with the attorney for the Commonwealth or designee;
- Reasonable protection from the accused;
- Timely notice of release or escape of the accused;
- Have the safety of the victim and victim's family considered in setting bail, defendant's release, and conditions of release;
- Full restitution to be paid by the convicted defendant;
- Fairness and consideration of the victim's safety, dignity, and privacy;
- Be informed of these rights and standing to assert these rights.

\* Rights afforded to crime victims by Marsy's Law work in conjunction with KRS 421.500

## STATE and LOCAL RESOURCES

### Crime Victims Compensation Board

502-782-8255  
500 Mero St., 2SC1 Frankfort, KY 40601  
<http://kycc.ky.gov>

### Kentucky Online Offender Lookup (KOOL)

<http://kool.corrections.ky.gov/>

### Louisville Metro Police Department

502-574-8788  
633 W. Jefferson Street Louisville, KY 40202  
<https://louisville-police.org/>

### Louisville Metro Department of Corrections (jail)

502-574-8477  
400 S. Sixth Street Louisville, KY 40202  
<https://louisvilleky.gov/government/corrections/>

### Jefferson County Circuit Court

502-595-3009  
600 W. Jefferson Street Louisville, KY 40202  
<https://jeffersonkycourtclerk.com/>

### Office of the Jefferson County Sheriff

502-574-5400  
531 Court Place, Suite 604 Louisville, KY 40202  
<http://www.jcsoky.org/>

### Kentucky Department of Corrections

Office of Victim Services  
877-687-6818  
P.O. Box 2400, Room G-46 Frankfort, KY 40602  
<https://corrections.ky.gov/Victim-Services>

### Office of the Attorney General – Office of Victim Advocacy

502-696-5312  
24-Hour Hotline 800-372-2551  
1024 Capital Center Drive, Suite 200 Frankfort, KY 40601  
<https://ag.ky.gov/about/Office-Divisions/OVA/>

### US Department of Justice

Office for Victims of Crime  
<https://ovc.gov>

### National Center for Victims of Crime

<https://victimsofcrime.org/stalking-resource-center/>  
VINE Court Service 800-511-1670  
<https://vinelink.com/classic#/home/site/18000>

### MADD Kentucky

800-944-6233  
<https://madd.org/kentucky/>  
Domestic Violence (All DV services are for both men and women.)

### Center for Women and Families

24-Hour Crisis Line 844-237-2331  
927 S 2nd St. Louisville, KY 40203  
<https://thecenteronline.org/>

### Domestic Violence Intake Center (DVIC)

502-595-4697  
600 W. Jefferson St., Suite 1150  
Louisville, KY 40202

# VICTIMS' RIGHTS



Commonwealth's Attorney

**THOMAS B. WINE**



**(502) 595-2300**

[louisvilleprosecutor.com](http://louisvilleprosecutor.com)

# RIGHTS FOR KENTUCKY CRIME VICTIMS

## PURSUANT TO KRS 421.500

### Prosecutor's Role

The Commonwealth's Attorney prosecutes all felony crimes, committed by persons 18 years of age or older, which occur in the judicial circuit of that prosecutor. In some specific instances, they can also prosecute juveniles charged with felony cases. Commonwealth's Attorneys are also responsible for presenting evidence of such crimes to the Grand Jury (KRS 15.725).

The County Attorney prosecutes misdemeanors, proceedings under the Unified Juvenile Code, as well as dependency, neglect, and abuse actions that occur in his or her county. Some County Attorneys also handle the county's felony preliminary hearings.

The Commonwealth's and County Attorneys represent the Commonwealth in all criminal proceedings, unless a special prosecutor from the Attorney General's Office is handling the case.

### Attorney General's Role

If a defendant seeks appellate review of a case and the Attorney General's Office represents the Commonwealth, the office will, when possible, notify the victim of the initial appeal, the status of the case, and the decision of the appellate court. If a Commonwealth's or County Attorney is unable to prosecute a case due to a conflict, the Attorney General's Office of Special Prosecutions will assume prosecution of the case.

### Defense Attorney's Role

The Constitutions of the United States and Kentucky require that all persons accused of a crime have a fair trial. The role of the defense attorney is to provide representation for an individual accused of a crime (defendant) and to protect the rights afforded to them by the United States and Kentucky Constitutions. The defendant or his or her attorney has the right to question all witnesses at trial or in other court proceedings (except a Grand Jury). A victim or witness is not required to discuss the crime outside of court unless served with a court order.

State law defines "victim" as an individual directly and proximately harmed as a result of:

The commission of a crime classified as a felony; a misdemeanor involving threatened or actual physical injury, harassment, or restraint; a misdemeanor involving a child or incompetent person; or a misdemeanor involving a sexual offense or a trespass; or

Conduct which, if committed by an adult, would be classified as a felony or a misdemeanor described in subparagraph 1. of this paragraph.

### PROSECUTORS SHALL:

- 1) Make reasonable efforts to ensure that victims and witnesses who are required to attend criminal justice proceedings are notified promptly of any scheduled changes that affect their appearances;
- 2) Provide information regarding:
  - Protective, emergency, social, and medical services;
  - Obtaining assistance from a victim advocate;
  - Community-based treatment programs;
  - Where applicable, information on restitution and crime victim compensation;
  - Registration and notification of when a person has been released from a prison, jail, juvenile detention facility, psychiatric facility, or under limited circumstances, a forensic psychiatric facility;
  - Protection from intimidation, harassment, or retaliation;
  - The Victim, Witness, and Family Protection Program.
- 3) Advise Victims of:
  - Defendant's release on bond and any special conditions of release;
  - Charges filed against the defendant and the defendant's pleading to the charges;
  - Trial date (including any changes);
  - Trial verdict;
  - Sentencing date and any Parole Board hearings held for the defendant.
- 4) Promptly return victims' property held for evidentiary purposes unless there is a compelling reason for retaining it;
- 5) Notify the victim that upon conviction of the defendant that he or she has the right to submit a written impact

statement;

- 6) Provide information on obtaining protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts;
- 7) Upon request by a victim or witness, assist in informing employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absences from work.
- 8) Make reasonable efforts to ensure that victims receive prompt notification from the Attorney General if an appeal of a conviction is pursued by the defendant;
- 9) Consult with victims on the case disposition, including:
  - Dismissal of Charges
  - Defendant's entry into a Pre-trial Diversion Program.
  - A scheduled hearing for Shock Probation or bail pending appeal and any resulting orders;

