

M e m o r a n d u m

Date: August 20, 2012

To: General Orders Holders

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

File No.: 1.9486.A15432.061.12-0524

Subject: GENERAL ORDER 100.94, "MARSY'S LAW" THE VICTIMS' BILL OF RIGHTS ACT OF 2008

General Order (GO) 100.94, "Marsy's Law" The Victims' Bill of Rights Act of 2008, has been revised to reflect Research and Planning Section (RPS) as the Office of Primary Interest for this General Order. In addition, changes have been made to help clarify policy.

Any questions regarding this change should be directed to RPS at (916) 843-3340.

REMOVE

INSERT REVISION

GO 100.94

GO 100.94

OFFICE OF THE COMMISSIONER

ATTACHMENT

OPI: 061



CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.94

AUGUST 2012

"MARSY'S LAW" THE VICTIMS' BILL OF RIGHTS ACT OF 2008

1. PURPOSE. The purpose of this order is to establish standardized policies and procedures regarding "Marsy's Law" the Victims' Bill of Rights Act of 2008.

2. GENERAL. On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008, known as Marsy's Law. This measure amended the California Constitution to provide additional rights to victims in order to preserve and protect a victim's right to justice and due process.

3. POLICY.
 - a. Every victim of crime has the right to receive, without cost or charge, a list of the rights of victims of crime recognized in Section 28 of Article I of the California Constitution.

 - b. The California Constitution states a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term victim also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term victim does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.

 - c. Pursuant to Penal Code (PC) Section 679.026, every law enforcement agency investigating a criminal act at the time of initial contact with a crime victim, or during follow-up investigation, or as soon as deemed appropriate by the investigating officers, shall provide to each victim of a criminal act a Marsy's Rights card, which contains information on services available to them.

 - d. In addition, if provided at no cost by a nonprofit organization, crime victims shall also be provided with a Victims' Survival and Resource Guide pamphlet and/or video that has been approved by the California Office of the Attorney General.

4. PROCEDURES.

- a. There are two versions of the Marsy's Rights cards available on the Attorney General's Web site at <http://ag.ca.gov/victimservices/marsy.php>. Either type of card is acceptable. These cards are available in several different languages. In addition, some local district attorneys have developed their own Marsy's Rights cards with local information, which may also be provided. These cards contain telephone numbers victims/witnesses can call to report additional information about the case.
- b. California Highway Patrol Area office personnel shall download, print, and provide the Marsy's Rights card, and if available, a Victims' Survival and Resource Guide pamphlet and/or video, as directed in Section 679.026 PC (e.g., victims of traffic collisions, vehicle theft, domestic violence).
- c. Area commands shall establish standard operating procedures to specify when and who will provide the Marsy's Rights cards to victims.
- d. Providing the Marsy's Rights card does not preclude the Department from the responsibility of providing the CHP 170, Notice to Victims of Violent Crimes as specified in Highway Patrol Manual 11.1, Administrative Procedures Manual.
- e. In the event they are threatened or intimidated by a suspect, victims and witnesses should be advised of the appropriate steps to take and, if available, provided with information on the services available to them in these instances.
- f. Depending on the severity of the crime, victims and witnesses should be provided with the case number, if known, and information on subsequent steps in the processing of the case.

OFFICE OF THE COMMISSIONER

OPI: 061