

# Montana Crime Victims' Rights - Marsy's Card and Resources

*The Montana Constitution, Article II, Section 36, confers certain rights to victims of crime, including:*

**1. Fairness and Respect** - The right to due process and to be treated with fairness and respect.

**2. Free from Intimidation, Harassment and Abuse** - The right to be free from intimidation, harassment, and abuse.

**3. Protection** - The right to reasonable protection from the accused and any person acting on the accused's behalf.

**4. Safety and Welfare** - The right to have your safety and welfare be considered when a court sets bail and makes release decisions.

**5. Prevention of the Disclosure of Confidential Information** - The right to prevent disclosure of information that could be used to locate or harass you or that contains confidential or privileged information about you.

**6. Refusal to be Interviewed** - The right to privacy, including the right to refuse an interview, deposition, or other discovery request, and to set reasonable conditions on the conduct of any interaction to which you consent.

**7. Notice of and Presence at Public Proceedings** - The right to receive reasonable, accurate, and timely notice of and to be present at all proceedings involving the criminal conduct, plea, sentencing, adjudication, disposition, release, or escape of the defendant or youth accused of delinquency and any proceeding implicating your rights as a victim.

**8. Notification of Release or Escape** - The right to prompt notification of any release or escape of the accused.

**9. Expression of Views** - The right to be heard in any proceeding involving release, plea, sentencing, disposition, adjudication, or parole of the defendant or youth accused of delinquency and any proceeding implicating your rights as a victim.

**10. Confer with Prosecutor** - The right to confer with the prosecuting attorney.

**11. Provision of Information on Impact of Offender's Conduct** - The right to provide information regarding the impact the

offender's conduct had on you for inclusion in the pre-sentence or predisposition investigation report and to have the information considered in any sentencing or disposition recommendations submitted to the court.

**12. Receipt of Pre-Sentence Report** - The right to receive a copy of any pre-sentence report and any other report or record relevant to the exercise of a right of your rights as a victim, except for those portions made confidential by law.

**13. Prompt Return of Property** - The right to the prompt return of your property when no longer needed as evidence in the case.

**14. Restitution** - The right to full and timely restitution. All money and property collected from a person who has been ordered to make restitution must be applied first to the restitution owed to the victim before paying any amounts owed to the government.

**15. Proceedings Free from Unreasonable Delay** - The right to proceedings free from unreasonable delay and to prompt and final conclusion of the case any related post-judgment proceedings.

**16. Information About Conviction, Sentence, Incarceration, Release, and Escape** - The right to be informed of the conviction, sentence, adjudication, place and time of incarceration or other disposition of the offender, including any scheduled release date, actual release date or escape.

**17. Information and Participation in Clemency Procedures** - The right to be informed of clemency and expungement procedures; to provide information to the Governor, the court, any clemency board, or any other authority and to have that information considered before a decision is made; and to be notified of any decision before the release of the offender.

**18. Information on Rights as Victim of Crime** - The right to be informed of the rights you have as a crime victim, and your right to seek the advice and assistance of an attorney with respect to these rights.