

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. 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.
- 11. Confer with Prosecutor** - The right to confer with the prosecuting attorney.
- 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 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 and 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.
- 19. Enforcement of Victim Rights** - You, your attorney, your legal representative, or the prosecuting attorney at your request may assert and seek enforcement of these rights and any other right afforded to you by law.

For more information on your rights and resources available to crime victims, please visit: <https://dojmt.gov/marsys-law/>

Montana Victim Acknowledgement of Receipt of Rights and Information					
_____		_____		_____	
Victim Name/DOB		Victim Signature		Date	
_____		_____		_____	
Cell Phone/Other Phone		Email		Other Contact Method	
_____		_____		_____	
Street		City	State	Suspect Known:	YES NO
_____		_____		_____	
Suspect Name		Primary Crimes		Suspect Arrested/Cited: YES NO	
_____		_____		_____	
Officer Name		Agency	Badge Number	Case Number	
Other Information:					

Crime Victims' Resources in (Insert Jurisdiction)

Crime Victim Advocacy: Crime victim advocates provide free, confidential help and services to crime victims throughout Montana. Such services and help include helping victims recover property or restitution; explaining a court proceeding and offering a safe; secure place during proceedings; providing crisis counseling, emotional support and guidance; informing victims of their rights; and helping victims work with their employers if a victim has to miss work because of a trial. Montana's crime victim advocates are affiliated with local programs and located throughout the state.

Orders of Protection: Pursuant to Mont. Code Ann. §40-15-102 you may qualify for an Order of Protection (temporary or permanent). For more information regarding applying for an Order of Protection visit: <https://dojmt.gov/victims/orders-of-protection/>

Crime Victim Compensation: The Crime Victims Compensation Act provides financial assistance to help innocent crime victims with crime-related medical expenses. For eligible individuals, the Montana Crime Victim Compensation Program can help with loss of wages, medical expenses and funeral expenses incurred as the result of personal injury crimes. To see if you are eligible, call the Montana Department of Justice Victim Services at 1-800-498-6455, or visit <https://dojmt.gov/victims/crime-victim-compensation>.