

State vs. \_\_\_\_\_  
DA #: \_\_\_\_\_

## Victims' Rights Request Form

As a victim of crime in Oregon, you have legal rights. Many of these rights are automatic; however some of the rights must be *requested* by you to go into effect. **Return this form or contact our office within the next 2 weeks if you want to exercise any of these rights. Note: If you do not submit this form or contact our office by the above deadline, we will assume you are not asserting the rights listed below. If at some later time you decide that you do want to assert rights, please contact the District Attorney's Office immediately and we will work with you to exercise the rights if that is still possible.**

Even if you do not assert these rights, you will still receive notice of any trial date (if subpoenaed). You will automatically be notified of the conviction and sentence of the defendant. Unless subpoenaed, you do not need to attend sentencing for the judge to order restitution to you.

I wish to exercise the following rights and request the Washington County District Attorney's Office to assert and enforce the following rights for me:

To be notified in advance of the below critical stage hearings, please check the box(es).

<input type="checkbox"/> <b>Sentencing</b>	<input type="checkbox"/> Trial	<input type="checkbox"/> Hearings on admission of evidence of victim's past behavior or dress in sexual assault cases
<input type="checkbox"/> <b>Release hearing</b>	<input type="checkbox"/> Hearings on motions or petitions to suppress or exclude evidence	<input type="checkbox"/> If the crime involved the transmission of body fluids, hearings on petitions to require testing of the defendant for HIV or other communicable disease
<input type="checkbox"/> Modifications of release	<input type="checkbox"/> Hearings related to rescheduling of trial	<input type="checkbox"/> Hearing for relief from the requirement to report as a sex offender
<input type="checkbox"/> Preliminary hearing	<input type="checkbox"/> Hearings related to a deferred sentencing agreement	<input type="checkbox"/> Hearings on motions or petitions to amend, dismiss or set aside a charge, conviction, order or judgment
<input type="checkbox"/> Entry of guilty or no contest plea	<input type="checkbox"/> Restitution hearing	<input type="checkbox"/> Probation violation or revocation (for Class A person misdemeanor and felony crimes)

Victims have the automatic right to be present at any hearing held in open court when the defendant will be present, including the above critical stage hearings. (a)

- To prompt restitution for your loss or injury caused by the defendant. To request restitution, you must complete and return the green restitution form **by the indicated deadline.** (d)
- If this is a violent felony case, to have the deputy district attorney consult with you before a plea agreement is made. (f)  
DDA initial when complete: \_\_\_\_\_
- To refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant. (c)  
VA initial when complete: \_\_\_\_\_
- The right, upon request, to obtain information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal defendant. (b)  
VA initial when complete: \_\_\_\_\_
- The right to have a copy of a transcript of any court proceeding in open court, if one is otherwise prepared. (e)
- In a DUII automobile collision case, to request that information about the case that is given to the defendant is also shared with you. (k)  
VA initial when complete: \_\_\_\_\_
- To request limiting the distribution of information about and recordings of sexual conduct. (h)
- If the crime involved transmission of body fluids, to request HIV and other communicable disease testing of the defendant. (i)
- To request no public access coverage in the courtroom in sex offense proceedings by media television, photography or recording equipment. (g)
- To have as a special condition of probation or post-prison supervision that the person convicted in your case not live within three miles of your home if you were younger than 18 years old when the crime occurred (exceptions may apply). (j)
- For person crimes and burglary in the first degree only: To request ongoing involvement in any court actions that happen after the conviction. (m)
- I understand my rights under Oregon statute and Constitution and I choose not to assert any rights at this time.**

Name (please print)

Date

Day time phone number

Please return this form to the Washington County DA's Office via postal mail or fax to (503) 846-3407. If your contact information changes, please contact the District Attorney's Office at (503) 846-8671 immediately.

**Email:** \_\_\_\_\_

If you would like a copy of your Victims' Rights Request Form, please ask your victim advocate.

For more information on your victim rights in Oregon, please review the *Victims' Rights Guide* and the *General Information for Crime Victims* brochures provided to you. You may also request a *Legal Rights for Crime Victims In Oregon* pamphlet from your Victim Advocate.

**Oregon law grants crime victims the following rights in all criminal court proceedings:**

- (a) The right to be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the defendant will be present, and to be heard at the pretrial release hearing and the sentencing. Critical stage hearings include those listed in the grid on the front of this document and are as defined in the Oregon Constitution (Art. 1, §42), Senate Bill 233, ORS 147.500(5), ORS 137.545(11)(a), 144.260(3), and ORS 419C.273;
- (b) The right, upon request, to obtain information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal defendant or convicted criminal and equivalent information regarding the alleged youth offender or youth offender (Art. 1, §42);
- (c) The right to refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant provided, however, that nothing in this paragraph shall restrict any other constitutional right of the defendant to discovery against the state (Art. 1, §42);
- (d) The right to receive prompt restitution from the convicted criminal who caused the victim's loss or injury (Art. 1, §42);
- (e) The right to have a copy of a transcript of any court proceeding in open court, if one is otherwise prepared (Art. 1, §42);
- (f) The right to be consulted, upon request, regarding plea negotiations involving any violent felony [Art. 1, §42, ORS 147.512(2)(a)];
- (g) To allow no public access coverage of sex offense proceedings [UTCR 3.180(2)(d)];
- (h) To limit distribution of information and recordings of sexual conduct [ORS 135.873(5-6)];
- (i) If the crime involved the transmission of body fluids, to request HIV testing of the defendant (ORS 135.139);
- (j) If you were younger than 18 years of age when the crime was committed, to require as a condition of post-prison supervision (parole) that the defendant not reside within 3 miles of your residence (certain exceptions apply) (ORS 137.540(4)(a), ORS 144.102(4)(c)(A) and ORS 144.270(4)(c)(A);
- (k) In a DUII automobile collision case, the right to request that information and reports about the case that have been disclosed to the defendant are also made available to you (ORS 135.857);
- (l) The right to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process and from the alleged youth offender or youth offender throughout the juvenile delinquency proceedings, the right to have decisions by the court regarding the pretrial release of a criminal defendant based upon the principle of reasonable protection of the victim and the public, as well as the likelihood that the criminal defendant will appear for trial and the right to have remedy by due course of law for violation of the victim's rights (Art. 1, §43); and
- (m) For person crimes and burglary in the first degree only, to request ongoing involvement in any court actions that happen after the conviction such as appeal, post-conviction or federal habeas proceedings including, but not limited to: reasonable, accurate and timely notice from the Department of Justice when an appeal, post-conviction or federal habeas proceeding is started; to attend and be heard at certain public hearings related to the proceedings; to consult with the state and receive other details of the case; to participate by contacting the Department of Justice; and to be informed by the Department of Justice of the outcome of the proceedings. (*For further information about all of these rights, please see the Department of Justice, Crime Victims' Services Division information at [www.doj.state.or.us/victims](http://www.doj.state.or.us/victims)*). (ORS 138.627, 144.750, 147.433, 147.438, 161.326, 419C.531)

If you feel your crime victims' rights are not honored, you may have legal options, but you must act immediately. Please contact your Victim Advocate for more information about your options.

**Please fill out the information on the opposite side of this form, date, sign and return.**