

WYOMING VICTIMS' RIGHTS LAWS¹

Constitution

Wyoming does not have a victims' rights amendment to its constitution.

Statutes

Title 7, Criminal Procedure; Chapter 21, Victim Impact Statements

§ 7-21-101 – Definitions

(a) As used in this chapter:

- (i) "Crime" means a felony as defined by W.S. 6-10-101;
- (ii) "Family member" means a spouse, child, sibling, parent or legal guardian of a victim;
- (iii) "Victim" means an individual who has suffered direct or threatened physical, emotional or financial harm as the result of the commission of a crime or a family member of a minor, incompetent person or a homicide victim;
- (iv) "Victim impact statement" means an oral or written statement by the victim of a crime providing the information specified by W.S. 7-21-102

§ 7-21-102 – Notice to Crime Victims

- (a) If a defendant is convicted of a crime involving an identifiable victim, the district attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:
 - (i) The defendant's conviction;
 - (ii) The offenses for which the defendant was convicted and the possible sentences for each offense;
 - (iii) The victim's opportunity to make a written or oral impact statement for use in the preparation of the presentence investigation report concerning the defendant when a presentence investigation report is to be prepared;

¹ Not intended to be exhaustive.

- (iv) The address and telephone number of the probation office which is to prepare the presentence investigation report;
 - (v) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant;
 - (vi) The victim's opportunity to make an impact statement at sentencing or at any subsequent hearing for correction or reduction of sentence; and
 - (vii) The time and place of the sentencing proceeding and the time and place of any subsequent hearing for correction or reduction of sentence.
- (b) The notice given by the district attorney to the victim pursuant to this section shall be given by any means reasonably calculated to give prompt actual notice.
- (c) A notice given under subsection (a) of this section shall inform the victim that his impact statement may include but shall not be limited to the following:
- (i) An explanation of the nature and extent of any physical, psychological or emotional harm or trauma suffered by the victim;
 - (ii) An explanation of the extent of any economic loss or property damage suffered by the victim;
 - (iii) The need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage; and
 - (iv) The victim's recommendation for an appropriate disposition.

§ 7-21-103 – Submission of victim impact statement to sentencing court

- (a) At any hearing to determine, correct or reduce a sentence, an identifiable victim of the crime may submit, orally, in writing or both, a victim impact statement to the court.
- (b) Any victim impact statement submitted to the court pursuant to this section shall be among the factors considered by the court in determining the sentence to be imposed upon the defendant or in determining whether there should be a correction or reduction of sentence.
- (c) Any failure to comply with the terms of this chapter shall not create a cause for appeal or reduction of sentence for the defendant, or a civil cause of action against any person by the defendant.

Title 14, Children; Chapter 6, Juveniles; Article 5, Victims of Delinquent Acts **§ 14-6-501 – Definitions**

- (a) As used in this act:
 - (i) "Delinquent act" means any act defined by W.S. 14-6-201(a)(ix) which constitutes a felony;

- (ii) "Victim" means an individual who has suffered direct or threatened physical, emotional or financial harm as the result of the commission of a delinquent act or a family member of a victim who is a minor or an incompetent or a surviving family member of a homicide victim;
- (iii) "This act" means W.S. 14-6-501 through 14-6-509.

§ 14-6-502 Victim bill of rights.

(a) Victims shall have the following rights:

- (i) To be provided notification and information about events affecting the status of the case. These events shall include, but are not limited to, the following as specified in W.S. 14-6-503:
 - (A) The general status of the case, provided the release of information does not compromise the investigation or endanger witnesses;
 - (B) The scheduled hearings of the case;
 - (C) The disposition phase of the case;
 - (D) The detention or release of the accused or adjudicated delinquent.
- (ii) To be provided information about the right to receive judicially ordered restitution;
- (iii) To be provided information about their rights, privileges and interests under this act;
- (iv) To be provided information about compensation available under the Crime Victims Compensation Act, as provided in W.S. 1-40-101 through 1-40-119;
- (v) To be provided information about services and assistance available to victims as provided in W.S. 14-6-503;
- (vi) To be provided information about available legal recourse and other measures if subjected to threats or intimidation as provided in W.S. 14-6-504;
- (vii) To be provided, at the discretion of the prosecuting attorney or law enforcement personnel, reasonable protection and safety immediately before, during and after delinquency proceedings;
- (viii) To be provided with the names, official telephone numbers and official addresses of the primary law enforcement officer and prosecutor assigned to investigate the case;
- (ix) To attend and participate in juvenile delinquency proceedings as provided in W.S. 14-6-505;
- (x) To have the case set for hearing as provided in W.S. 14-6-506. Nothing in this paragraph shall inhibit the ability of counsel for the state and the accused delinquent from entering into any negotiated disposition of the proceeding;
- (xi) To prompt return of property seized as evidence as provided in W.S. 14-6-507;

- (xii) To be protected from discharge or discipline by an employer due to involvement with the juvenile court process as provided in W.S. 14-6-508;
 - (xiii) To be notified about the disposition of the case;
 - (xiv) To be notified about the victim's opportunity to make a statement for use in the preparation of a predisposition investigation;
 - (xv) To be provided with the address and telephone number of the agency which is to prepare the predisposition investigation;
 - (xvi) To be notified that the predisposition investigation report and any statement of the victim in the report will be made available to the accused delinquent;
 - (xvii) To be notified about the opportunity to make a statement at the disposition hearing; and
 - (xviii) To be notified of the time and place of the disposition proceeding and any changes thereof.
- (b) Courts shall enforce victim rights under this act to the extent the recognition of those rights do not conflict with constitutional and statutory rights of the accused delinquent.

§ 14-6-503 – Rights of victims to be informed during delinquency proceeding

- (a) Victims of a delinquent act shall be informed without undue delay by law enforcement about:
- (i) The rights enumerated in this act;
 - (ii) The right to be informed of the status of the case from the initial investigation to the final appellate review;
 - (iii) The fact that financial assistance or other social service options may be available to the victim;
 - (iv) The existence of the Crime Victims Compensation Act and that compensation may be available to the victim;
 - (v) The right to have an interpreter or translator to inform the victim of these rights;
 - (vi) The name and official telephone number of the primary law enforcement officer assigned to investigate the case together with the official address and telephone number of the agency investigating the case;
 - (vii) The right to seek legal counsel and to employ an attorney.
- (b) Victims of a delinquent act shall be informed in writing by the prosecuting attorney about:

- (i) Subject to order of the court, the right to attend all hearings and proceedings involving the case, including the right to be notified, upon request, of the date, time and place of those hearings;
 - (ii) The right to be notified in advance, if reasonable, when a court proceeding has been rescheduled or cancelled;
 - (iii) The right to be advised of the potential for plea negotiations and, prior to disposition, the right to be informed of the existence of a negotiated plea, the essentials of the agreement, and the reasons for the disposition;
 - (iv) The right to know the accused delinquent has obtained a preadjudicatory or predisposition release;
 - (v) The right to discuss the case with the prosecutor, and the official address and official telephone number of the prosecutor;
 - (vi) The availability of other remedies, including the right to proceed in civil litigation generally and the right to any profits attributable to the offender as a result of publication or media coverage resulting from the delinquent act;
 - (vii) The fact that the attorneys involved and their investigators are advocates either for the state or for the accused delinquent;
 - (viii) The right to refuse to talk to attorneys, private investigators, law enforcement, or anyone else unless on the witness stand or under subpoena;
 - (ix) If known to the prosecutor, the schedule of any post disposition hearings affecting the probation or other disposition of the offender;
 - (x) The right to provide an affidavit asserting acts or threats of physical violence by the accused or at the accused's direction against the victim or a relative of the victim.
- (c) Victims shall be offered the opportunity to be informed in writing by the prosecutor about:
- (i) The escape, recapture or death of an offender;
 - (ii) Any reduction or extension of the disposition in the offender's case.
- (d) The prosecuting attorney shall notify in writing, or in person, victims who have participated in the delinquency proceedings of an application for expungement of the juvenile's records under W.S. 14-6-241. The victim shall be afforded the opportunity to make a statement at the hearing on the application.
- (e) Victims who wish to receive notification and information shall provide the prosecuting attorney and the juvenile court with their current address and telephone number. This address will only be used for notification purposes.
- (f) Nothing in subsections (c) and (d) of this section shall mean the victim shall be given information that could jeopardize the safety or security of any person.

§ 14-6-504 – Victims; free from intimidation

- (a) A victim has the right to be free from any form of harassment, intimidation or retribution.
- (b) When waiting to testify in any proceeding regarding a delinquent act, a victim has the right to be provided, upon request, with a waiting area separate from other witnesses.
- (c) When the threat of harassment, intimidation or retribution cannot be avoided, the court shall take appropriate measures to protect the victim.
- (d) Law enforcement officers and prosecuting attorneys shall provide information regarding law enforcement measures available to protect victims.

§ 14-6-505 – Victims of delinquent act; present in court

Unless the court for good cause shown shall find to the contrary, the victim shall have the right to be present at all proceedings which may be attended by the accused delinquent.

§ 14-6-506 – Victims; timing of proceedings

- (a) The court shall consider the victim's interest and circumstances when setting any date for the adjudicatory or disposition hearing or in granting or denying continuances.
- (b) Nothing in this section shall infringe upon any rights of the accused delinquent or inhibit the ability of the prosecution and defense from entering into any agreement as to the setting of the matter for hearing or negotiated disposition of any charge or charges pending against the accused.

§ 14-6-507 – Prompt return of property

- (a) Victims have the right to have any personal property, which is not contraband, promptly returned provided it does not interfere with prosecution or appellate review of the case.
- (b) Law enforcement agencies shall work together to expedite the return of property when it is no longer needed. Prosecuting attorneys shall promptly notify law enforcement agencies when evidence is no longer needed.
- (c) The court exercising jurisdiction over a delinquency proceeding shall, if requested, enter appropriate orders to implement the provisions of this section.

§ 14-6-508 – Victims have a right to preservation of employment

- (a) A victim who responds to a subpoena in a delinquency proceeding during working hours shall not suffer any change in terms of employment solely because of the act of responding to a subpoena.

- (b) A victim, upon request, shall be assisted by law enforcement agencies, the prosecuting attorney or the attorney for the accused delinquent in informing an employer that the need for victim cooperation may necessitate the absence of the victim from work.
- (c) A victim, who as a direct result of a delinquent act or of cooperation with law enforcement agencies, prosecuting attorney or the attorney for the accused delinquent, experiences financial hardship, shall be assisted by those agencies, the prosecuting attorney or the attorney for the accused delinquent in explaining to employers and creditors the reasons for that financial hardship.

§ 14-6-509 – No civil liability created; testimony inadmissible; no relief by appeal

- (a) Nothing in this act shall be construed to create any civil cause of action for monetary damages against any person nor shall it constitute grounds for any claim or motion raised by any party in any proceedings.
- (b) Testimony or argument regarding the compliance or noncompliance with this act is inadmissible in any juvenile proceeding.
- (c) The failure of a victim to exercise or enforce any right granted by the provisions of this act shall not be grounds for relief during proceedings or for any appeal of any disposition in the juvenile proceeding.