



## Select Victims' Rights – Arizona

This resource is intended to provide a base of knowledge regarding the crime victims' rights in Arizona, and promising practices in ensuring compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Arizona see the companion resource: *Law Enforcement-Based Victim Services in Arizona: Privacy, Privilege and Confidentiality*.


The following icons are used throughout this resource to highlight key moments for the user.









= Promising Practices: As used in this *Guide*, things identified as “promising practices” are procedures, methods or techniques, grounded in victim-centered and trauma informed research and experience, which afford victims meaningful rights in the justice system.




= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.


<p><b>SELECT DEFINITIONS</b></p>	<p><b>Arizona Constitutional Provisions and Statutes</b></p>
<p><b>Crime Victim Advocate.</b></p> <p>[A] person who is employed or authorized by a public or private entity to provide counseling, treatment or other supportive assistance to crime victims.</p> <p> This definition explicitly applies to Chapter 40, Crime Victims' Rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4401(5).</p>




<p><b>Identifying Information.</b></p> <p>[I]ncludes a victim's date of birth, social security number and official state or government issued driver license or identification number.</p> <p> This definition explicitly applies to section 13-4434.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4434(D)(1); <i>see also</i> Ariz. R. Crim. P. 39(a)(2) (defining "identifying information").</p>
<p><b>Lawful Representative.</b></p> <p>[A] person who is designated by the victim or appointed by the court and who acts in the best interests of the victim.</p> <p> This definition explicitly applies to Chapter 40, Crime Victims' Rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4401(12).</p>
<p><b>Locating Information.</b></p> <p>[I]ncludes the victim's address, telephone number, e-mail address and place of employment.</p> <p> This definition explicitly applies to section 13-4434.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4434(D)(2); <i>see also</i> Ariz. R. Crim. P. 39(a)(2) (defining "locating information").</p>
<p><b>Rights.</b></p> <p>[A]ny right that is granted to the victim by the laws of this state.</p> <p> This definition explicitly applies to Chapter 40, Crime Victims' Rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4401(18).</p>
<p><b>Victim.</b></p> <p>[A] person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.</p> <p> This definition is provided by the Arizona Constitution.</p>	<p>Ariz. Const. art. II, § 2.1(C).</p>




<p><b>Victim.</b></p> <p>[A] person against whom the criminal offense has been committed, including a minor, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the person or the person's spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.</p> <p> This definition explicitly applies to Chapter 40, Crime Victims' Rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4401(19).</p>
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<p><b>SELECT CRIME VICTIMS' RIGHTS</b></p>	<p><b>Arizona Constitutional Provisions and Statutes</b></p>
<p><b>Rights Attach at Time of Arrest <i>or</i> Formal Charging – Whichever Occurs First.</b></p> <p>Except as provided in §§ 13-4404 and 13-4405, the rights and duties that are established by this chapter arise on the arrest or formal charging of the person or persons who are alleged to be responsible for a criminal offense against a victim. The rights and duties continue to be enforceable pursuant to this chapter until the final disposition of the charges, including acquittal or dismissal of the charges, all post-conviction release and relief proceedings and the discharge of all criminal proceedings relating to restitution. If a defendant is ordered to pay restitution to a victim, the rights and duties continue to be enforceable by the court until restitution is paid.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4402(A).</p>
<p><b>Constitutional Crime Victims' Rights Do Not Deny or Reduce Any Other Victims' Rights.</b></p> <p>The enumeration in the [Arizona] [C]onstitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.</p>	<p>Ariz. Const. art. II, § 2.1(E).</p>

<p><b>Victims of Dismissed Count(s), Which Are Dismissed As Part of Plea Agreement, May, upon Request, Exercise All Victims' Rights As If the Count(s) Had Not Been Dismissed.</b></p> <p>If a criminal offense against a victim has been charged but the prosecution on the count or counts involving the victim has been or is being dismissed as the result of a plea agreement in which the defendant is pleading to or pled to other charges, the victim of the offenses involved in the dismissed counts, on request, may exercise all the applicable rights of a crime victim throughout the criminal justice process as though the count or counts involving the person had not been dismissed.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4402.01(A).</p>
<p><b>Liberal Construction of Victims' Rights.</b></p> <p>[C]hapter [40. Crime Victims' Rights] shall be liberally construed to preserve and protect the rights to which victims are entitled.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4418.</p>
<p><b>Law Enforcement to Provide Informative Materials Noticing Victims of Specific Information, Including Services, Resources, Victims' Rights and How to Designate a Lawful Representative and Request Rights.</b></p> <p>A. As soon after the detection of a criminal offense as the victim may be contacted without interfering with an investigation or arrest, the law enforcement agency that has responsibility for investigating the criminal offense shall provide electronic forms, pamphlets, information cards or other materials to the victim :</p> <ol style="list-style-type: none"> <li>1. That allows the victim to request or waive applicable rights to which the victim is entitled, on request, under this article.</li> <li>2. That provides the victim a method to designate a lawful representative if the victim chooses pursuant to § 13-4403, subsection A or § 13-4404.</li> <li>3. That provides notice to the victim of all of the following information:       <ol style="list-style-type: none"> <li>(a) The victim's right under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.</li> </ol> </li> </ol>	<p>Ariz. Rev. Stat. Ann. § 13-4405(A)(1)-(3)(a)-(i).</p>





<p>(b) The availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to § 13-1414.</p> <p>(c) In cases of domestic violence, the procedures and resources available for the protection of the victim pursuant to § 13-3601.</p> <p>(d) The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment and other support services.</p> <p>(e) The police report number, if available, other identifying case information and the following statement:              If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case.</p> <p>(f) Whether the suspect is an adult or juvenile, a statement that the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.</p> <p>(g) If the suspect is an adult and has been arrested, the victim's right, on request, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances in the jurisdiction and of the victim's right to be heard at the initial appearance and that, to exercise these rights, the victim is advised to contact the custodial agency regarding the suspect's release and to contact the court regarding any changes to the initial appearance schedule.</p> <p>(h) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.</p> <p>(i) That the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive one copy of the police report, including any supplements to the report, from the investigating law enforcement agency at no charge pursuant to § 39-127.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	
<p><b>Presumption That Victims Invoked Rights When Physically or Emotionally Unable to Request Applicable Rights.</b></p> <p>If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this in the format that is authorized by subsection A of . . . [Arizona Statutes,] section [13-4405] and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which</p>	<p>Ariz. Rev. Stat. Ann. § 13-4405(B).</p>




<p>the victim is entitled, on request, unless the victim later waives those rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> For additional victims’ rights and information relating to victims who are unable to exercise rights, <i>see</i> Arizona Statutes, section 13-4403(A)-(G).</p>	
<p><b>Law Enforcement to Provide Victims’ Position on Rights to the Prosecution and Custodial Agency.</b></p> <p>The law enforcement agency shall submit a copy of the victim’s request or waiver of pre[-]conviction rights form to the custodial agency and a copy to the prosecutor if a suspect is arrested, at the time the suspect is taken into custody. If there is no arrest, the form copies shall be submitted to the prosecutor at the time the case is otherwise presented to the prosecutor for review. The prosecutor shall submit a copy of the victim’s request or waiver of pre[-]conviction rights form to the departments or sections of the prosecutor’s office, if applicable, that are mandated by this article to provide victims’ rights services on request.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4405(C).</p>
<p><b>Notice Requirements.</b></p> <p>All notices provided to a victim pursuant to . . . [C]hapter [40. Crime Victims’ Rights] shall be on forms developed or reviewed by the attorney general.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4417(B).</p>
<p><b>Establishment and Maintenance of System for Receipt of Victims’ Requests for Notice.</b></p> <p>The court and all agencies that are responsible for providing notice to the victim shall establish and maintain a system for the receipt of victim requests for notice.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4417(C).</p>



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<p><b>Procedural Requirements for Noticing Victims, If Law Enforcement Agency Establishes New Procedures.</b></p> <p>E. Law enforcement agencies within a county may establish different procedures designed to efficiently and effectively provide notice of the victim’s rights pursuant to this section and notice to affected entities of the victim request or waiver information. If different procedures are established, the procedures shall:</p> <ol style="list-style-type: none"> <li>1. Be reported to the entities within a county affected by the procedures and reported to the attorney general.</li> <li>2. Be designed so that custodial agencies and prosecutors within a county receive notice of the victim’s request or waiver of the victim’s pre[-]conviction rights at the same time that an adult suspect is arrested.</li> <li>3. Be designed so that prosecutors within a county receive notice of the victim's request or waiver of the victim's pre[-]conviction rights, if there is no arrest, at the same time that the case is otherwise presented to the prosecutor for review.</li> <li>4. Provide that the notice to affected entities of a victim's request or waiver of the victim's pre[-]conviction rights includes information that affords the affected entity the ability to contact the victim.</li> <li>5. Be supported by use of electronic forms, brochures or other written materials that are developed by the law enforcement agencies within a county and reviewed by the attorney general pursuant to § 13-4417, subsection B.</li> </ol> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4405(E)(1)-(5).</p>
<p><b>Notice of Victims’ Constitutional Rights.</b></p> <p>To be informed of victims’ constitutional rights.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims’ rights to justice and due process.</p>	<p>Ariz. Const. art. II, § 2.1(A)(12).</p>





<p><b>Notice of Victims' Rights.</b></p> <p>Notwithstanding the provisions of any other rule, a victim has and is entitled to assert . . . the right to notice regarding the rights available to a victim under this rule and any other provision of law . . . .</p>	<p>Ariz. R. Crim. P. 39(b)(2).</p>
<p><b>Notice of and Presence at Criminal Proceedings.</b></p> <p>To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims’ rights to justice and due process.</p> <p> For comparable statutory rights, <i>see</i> Arizona Statutes, section 13-4420.</p>	<p>Ariz. Const. art. II, § 2.1(A)(3).</p>
<p><b>Presence at All Criminal Proceedings.</b></p> <p>Notwithstanding the provisions of any other rule, a victim has and is entitled to . . . the right to be present at all criminal proceedings . . . .</p> <p> The Arizona Rules of Criminal Procedure expands victims’ constitutional right provided in Arizona Constitution, article II, section 2.1(A)(3), by granting victims the right to be present at all criminal proceedings irrespective of whether the defendant has a right to be present.</p>	<p>Ariz. R. Crim. P. 39(b)(4).</p>
<p><b>Reasonable Notice of Criminal Proceedings.</b></p> <p>Notwithstanding the provisions of any other rule, a victim has and is entitled to assert[,] . . . upon request, the right to reasonable notice of the date, time[] and place of any criminal proceeding in accordance with [Ariz. Rev. Stat. Ann.] § 13-4409 . . . .</p>	<p>Ariz. R. Crim. P. 39(b)(3).</p>












 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.	
<p><b>Notice Requirements upon Execution of Arrest Warrants.</b></p> <p>C. On receiving notice that the warrant was executed pursuant to subsection B of this section, the law enforcement agency that was responsible for the original investigation of the offense shall do all of the following if the victim has requested notice pursuant to § 13-4405:</p> <ol style="list-style-type: none"> <li>1. Notify the victim of the arrest and of the time, place and date for the initial appearance.</li> <li>2. Inform the victim of the telephone number of the custodial agency in which the arrested person is held.</li> <li>3. Provide the custodial agency with the victim information pursuant to § 13-4405 so that the custodial agency may notify the victim of the release of the suspect pursuant to § 13-4412, if applicable.</li> </ol> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Victims who wish to be notified of releases or escapes should be reminded that any changes in their contact information—due to a move or otherwise—would need to be reported to the relevant agency.</p> <p> The victim’s right to be informed of an arrest or a release after a suspect is arrested pursuant to a warrant applies to warrants that are issued on or after September 1, 1996. Ariz. Rev. Stat. Ann. § 13-4405.01(E).</p>	<p>Ariz. Rev. Stat. Ann. § 13-4405.01(C)(1)-(3).</p>
<p><b>Notice of Arrest, at the Earliest Opportunity; and Notice of Time, Place and Date for the Initial Appearance.</b></p> <p>If a suspect has not been arrested at the time of contact with the victim pursuant to subsection A of . . . [Arizona Statutes,] section [13-4405], the law enforcement agency that is responsible for investigating the offense shall notify the victim of the arrest of a suspect at the earliest opportunity after the arrest and of the time, place and date for the initial appearance.</p> <p> For information concerning victims’ right to be heard at initial appearance, <i>see</i> Arizona Statutes, section 13-4421; and for information</p>	<p>Ariz. Rev. Stat. Ann. § 13-4405(F).</p>






<p>concerning victims' right, upon request, to be noticed of and heard at myriad hearings, including initial appearance, <i>see</i> Arizona Rule of Criminal Procedure 39(b)(7).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	
<p><b>Notice of Initial Appearance.</b></p> <p>On becoming aware of the date, time and place of the initial appearance of the accused, the law enforcement agency shall inform the victim of that information unless the accused appeared in response to a summons or writ of habeas corpus. In that case, the prosecutor's office shall, on receiving that information, provide the notice to the victim.</p> <p> For information concerning victims' right to be heard at initial appearance, <i>see</i> Arizona Statutes, section 13-4421; and for information concerning victims' right, upon request, to be noticed of and heard at myriad hearings, including initial appearance, <i>see</i> Arizona Rule of Criminal Procedure Ariz. R. Crim. P. 39(b)(7).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4406.</p>
<p><b>Notice of Court Dates.</b></p> <p>If the suspected offender is cited and released, the law enforcement agency responsible for investigating the offense shall inform the victim of the court date and how to obtain additional information about the subsequent criminal proceedings.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4405(D).</p>
<p><b>Crime Victim Advocates and Confidentiality.</b></p> <p>A. A crime victim advocate shall not disclose as a witness or otherwise any communication made by or with the victim, including any communication made to or in the presence of others, unless the victim consents in writing to the disclosure.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4430(A)-(F).</p>






<p>B. Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda that contain opinions, theories or other information made while advising, counseling or assisting the victim or that are based on communications made by or with the victim, including communications made to or in the presence of others.</p> <p>C. The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory evidence.</p> <p>D. A defendant may make a motion for disclosure of privileged information. If the court finds there is reasonable cause to believe the material is exculpatory, the court shall hold a hearing in camera. Material that the court finds is exculpatory shall be disclosed to the defendant.</p> <p>E. If, with the written or verbal consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the crime victim advocate or any records, notes, documents, correspondence, reports or memoranda, the prosecutor or law enforcement agent shall disclose such material to the defendant's attorney only if such information is otherwise exculpatory.</p> <p>F. Notwithstanding subsections A and B, if a crime victim consents either verbally or in writing, a crime victim advocate may disclose information to other professionals and administrative support persons that the advocate works with for the purpose of assisting the advocate in providing services to the victim and to the court in furtherance of any victim's right pursuant to this chapter.</p> <p> For a definition of “crime victim advocate,” <i>see</i> the “Select Definitions” section provided on pages 1 and 2 of this resource.</p>	
<p><b>Law Enforcement to Redact Identifying and Locating Information.</b></p> <p>A victim’s identifying and locating information that is obtained, compiled or reported by a law enforcement agency or prosecution agency shall be redacted by the originating agency and prosecution agencies from records pertaining to the criminal case involving the victim, including discovery disclosed to the defendant.</p> <p> For definitions of and non-exhaustive examples of “locating information” and “identifying information,” <i>see</i> the “Select Definitions” section provided on pages 1 and 2 of this resource. For information</p>	<p>Ariz. Rev. Stat. Ann. § 13-4434(B).</p>

<p>concerning additional redaction requirements for minors or when victims' rights to privacy and confidentiality are implicated, <i>see</i> Arizona Statutes, section 13-4434(C)(1); and for information concerning victims' rights and protections regarding their locating and identifying information when testifying, <i>see</i> Arizona Statutes, section 13-4434(A); Arizona Rule of Criminal Procedure 39(b)(10).</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure that victims' locating and identifying information (e.g., dates of birth, social security numbers, official state or government issued driver licenses, official state or government issued identification numbers, addresses, telephone numbers, e-mail addresses and name or location of employment) is redacted when law enforcement compiles or reports victim information.</p> <p> If additional information is requested by law enforcement and received directly by the prosecution, a promising practice is to have a policy and procedure in place where law enforcement provides advance notice to the prosecution that information will be received by the prosecution that contains locating or identifying information that requires redaction prior to providing discovery. Such concerted efforts between law enforcement and the prosecution will better protect victims' rights.</p>	
<p><b>Fairness, Respect, Dignity and Freedom from Intimidation, Harassment or Abuse.</b></p> <p>To be treated with fairness, respect[] and dignity, and to be free from intimidation, harassment[] or abuse, throughout the criminal justice process.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p>	<p>Ariz. Const. art. II, § 2.1(A)(1); <i>see also</i> Ariz. R. Crim. P. 39(b)(1) (providing analogous rights)</p>
<p><b>Refuse Discovery.</b></p> <p>To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney[] or other person acting on behalf of the defendant.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p>	<p>Ariz. Const. art. II, § 2.1(A)(5).</p>






<p><b>Support Persons in Interviews, Depositions and Criminal Proceedings.</b></p> <p>Notwithstanding the provisions of any other rule, a victim has and is entitled to assert . . . the right to be accompanied at any interview, deposition[] or criminal proceeding by a parent or other relative, or by an appropriate support person named by a victim, including a victim's caseworker or advocate, unless testimony of the person accompanying the victim is required in the case. If the court finds that a party's claim that a person is a prospective witness is not made in good faith, it may impose sanctions, including holding counsel in contempt . . . .</p>	<p>Ariz. R. Crim. P. 39(b)(8).</p>
<p><b>Terminate Interviews; and Refuse Questions.</b></p> <p>Notwithstanding the provisions of any other rule, a victim has and is entitled to assert . . . the right to terminate an interview at any time or refuse to answer any question during the interview . . . .</p>	<p>Ariz. R. Crim. P. 39(b)(14).</p>
<p><b>Minimizing Victims' Contacts.</b></p> <p>Before, during and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that occurs between the victim, the victim's immediate family and the victim's witnesses and the defendant, the defendant's immediate family and defense witnesses.</p> <p> While this law is directed at the court, the same concept can and should be applied at law enforcement agencies when interacting with victims, the victims' families, victims' witnesses and the defendant, the defendants' families and defense witnesses.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4431.</p>
<p><b>Confer with Prosecution after a Case Is Filed and Before a Case Is Closed.</b></p> <p>To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p>	<p>Ariz. Const. art. II, § 2.1(A)(6).</p>


<p> For information concerning victims' rights to be present and heard, absent cross-examination, at aggravation, mitigation, presentencing, sentencing proceedings or any disposition proceeding, <i>see</i> Arizona Statutes, sections 13-4426 - 13-4426.01; and for victims' right to be informed of disposition or, upon request, to confer with prosecution in myriad areas, <i>see</i> Arizona Rule of Criminal Procedure 39(b)(6), (16).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	
<p><b>Speedy Trial and Disposition; Prompt and Final Conclusion.</b></p> <p>To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p> <p> For information on law enforcement's explicit requirement to take appropriate action to ensure a speedy trial for crime victims, <i>see</i> Arizona Statutes, section 13-4435.</p>	<p>Ariz. Const. art. II, § 2.1(A)(10); <i>see also</i> Ariz. R. Crim. P. 39(b)(17) (providing analogous rights).</p>
<p><b>Notice of Release or Escape.</b></p> <p>To be informed, upon request, when the accused or convicted person is released from custody or has escaped.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Victims who wish to be notified of releases or escapes should be reminded that any changes in their contact information—due to a move or otherwise—would need to be reported to the relevant agency.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p> <p> For information concerning victims' right to be heard at any proceeding in which the court considers post-arrest release or conditions</p>	<p>Ariz. Const. art. II, § 2.1(A)(2).</p>

<p>of release, <i>see</i> Arizona Statutes, section 13-4422; and for information concerning victims' right, upon request, to be informed of any permanent or temporary release or any proposed release, <i>see</i> Arizona Rule of Criminal Procedure 39(b)(5).</p>	
<p><b>Notice of Release.</b></p> <p>The sheriff or municipal jailer, on request, shall notify the victim and the prosecutor's office of the release of the accused.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p> <p> For information concerning victims' right to be heard at any proceeding in which the court considers post-arrest release or conditions of release, <i>see</i> Arizona Statutes, section 13-4422; and for information concerning victims' right, upon request, to be informed of any permanent or temporary release or any proposed release, <i>see</i> Arizona Rule of Criminal Procedure 39(b)(5).</p>	<p>Ariz. Rev. Stat. Ann. § 13-4412(A).</p>
<p><b>Heard Before Release, Plea and Sentencing.</b></p> <p>To be heard at any proceeding involving a post-arrest release decision, a negotiated plea[] and sentencing.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p> <p> For information concerning victims' right, upon, request, to be present and be heard at any proceeding in which a negotiated plea, <i>see</i> Arizona Statutes, section 13-4423; for information concerning victims' right to be heard at any proceeding in which the court considers post-arrest release or conditions of release, <i>see</i> Arizona Statutes, section 13-4422; and for information concerning victims' right, upon request, to be informed of any permanent or temporary release or any proposed release, <i>see</i> Arizona Rule of Criminal Procedure 39(b)(5).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	<p>Ariz. Const. art. II, § 2.1(A)(4).</p>

<p><b>Access to Pre-Sentence Reports.</b></p> <p>To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p>	<p>Ariz. Const. art. II, § 2.1(A)(7).</p>
<p><b>Prompt Restitution.</b></p> <p>To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p> <p> For information on crime victims' right to be informed of their right to restitution, right to know which items of loss are included with the scope of restitution and right to know how to invoke their right to restitution, <i>see</i> Ariz. R. Crim. P. 39(b)(18).</p> <p> A promising practice is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	<p>Ariz. Const. art. II, § 2.1(A)(8).</p>
<p><b>Prompt Return of Property; and Reasonable Efforts, by Law Enforcement, to Return Property.</b></p> <p>On request of the victim and after consultation with the prosecuting attorney, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4429(A).</p>



<p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person that they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p><b>Present and Heard Regarding Defendant’s Petition to Restore Right to Possess Firearm.</b></p> <p>A. A victim has the right to be present and be heard at any proceeding in which the defendant has filed a petition pursuant to § 13-925 to restore the defendant's right to possess a firearm.</p> <p>B. If the victim has made a request for post[-]conviction notice, the attorney for the state shall provide notice to the victim at least five days before the hearing.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights.</p> <p> A petition to restore defendant’s right to possess a firearm may be filed at or near the time of a request for return of property, such as a firearm. To ensure victim protection and in order for victims to meaningfully exercise the right to be present or heard at such a hearing, victims must be made aware of defendants’ petitions and requests for return of property. Thus, if law enforcement is made aware of either petitions or requests for return of property, victims and prosecutors must be notified immediately.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4441(A)-(B).</p>
<p><b>Heard prior to Post-Conviction Release Decisions.</b></p> <p>To be heard at any proceeding when any post-conviction release from confinement is being considered.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims’ rights to justice and due process.</p>	<p>Ariz. Const. art. II, § 2.1(A)(9).</p>

<p><b>Rules of Criminal Procedure Must Protect Victims' Rights or Be Subjected to Amendment or Repeal.</b></p> <p>To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.</p> <p> The Arizona Constitution grants crime victims this right to preserve and protect victims' rights to justice and due process.</p>	<p>Ariz. Const. art. II, § 2.1(A)(11).</p>
<p><b>Assertion of Victims' Rights Is Not Grounds for a Dismissal or Setting Aside a Conviction or a Sentence.</b></p> <p>A victim's exercise of any right granted by this section [of the Arizona Constitution] shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.</p>	<p>Ariz. Const. art. II, § 2.1(B).</p>
<p><b>Recover Damages from Governmental Entities Responsible for Intentional, Knowing or Grossly Negligent Victim's Rights Violation.</b></p> <p>A victim has the right to recover damages from a governmental entity responsible for the intentional, knowing or grossly negligent violation of the victim's rights under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation or court rules. Nothing in this section alters or abrogates any provision for immunity provided for under common law or statute.</p>	<p>Ariz. Rev. Stat. Ann. § 13-4437(B).</p>
<p><b>Upon Request, Reexamination Proceeding When Victims' Constitutional or Statutory Right Is Violated.</b></p> <p>The failure to comply with a victim's constitutional or statutory right is a ground for the victim to request a reexamination proceeding within ten days of the proceeding at which the victim's right was denied or with leave of the court for good cause shown. After the victim requests a reexamination proceeding and after the court gives reasonable notice, the court shall afford the victim a reexamination proceeding to consider the issues raised by the denial of the victim's right. Except as provided in subsection B [of Arizona Statutes, section 13-4436], the court shall reconsider any decision that arises from a proceeding in which the</p>	<p>Ariz. Rev. Stat. Ann. § 13-4436(A).</p>

victim's right was not protected and shall ensure that the victim's rights are thereafter protected.



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For additional details on reexamination proceeding, *see* Arizona Statutes, section 13-4436(B)-(E).

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