



Select Victims' Rights – Alabama

This resource is intended to provide a base of knowledge regarding the crime victims' rights in Alabama, 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 Alabama see the companion resource: *Law Enforcement-Based Victim Services in Alabama: 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.



SELECT DEFINITIONS	Alabama Statutes
<p>Crime Victim Advocate.</p> <p>A person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment, or other supportive assistance to crime victims.</p> <p> The above definition explicitly applies to Article 3 (Crime Victims' Rights) of Chapter 23 (Alabama Crime Victims).</p>	<p>Ala. Code § 15-23-60(6).</p>



<p>Lawful Representative.</p> <p>A person who is designated by the victim, who is a member of the immediate family, or appointed by the court and who will act in the best interests of the victim.</p> <p> The above definition explicitly applies to Article 3 (Crime Victims' Rights) of Chapter 23 (Alabama Crime Victims).</p>	<p>Ala. Code § 15-23-60(13).</p>
<p>Right.</p> <p>Any right granted to the victim by the laws of this state.</p> <p> The above definition explicitly applies to Article 3 (Crime Victims' Rights) of Chapter 23 (Alabama Crime Victims).</p>	<p>Ala. Code § 15-23-60(18).</p>
<p>Victim.</p> <p>A person against whom the criminal offense has been committed, or if the person is killed or incapacitated, the spouse, sibling, parent, child, or guardian of the person, except if the person is in custody for an offense or is the accused.</p> <p> The above definition explicitly applies to Article 3 (Crime Victims' Rights) of Chapter 23 (Alabama Crime Victims).</p>	<p>Ala. Code § 15-23-60(19).</p>





<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Alabama Constitutional Provisions and Statutes</p>
<p>Mandatory Notice by Law Enforcement.</p> <p>Within 72 hours, unless the victim is unavailable or incapacitated as a result of the crime, after the initial contact between a victim of a reported crime and the law enforcement agency either responding to the report of the crime of the victim or another person, or having responsibility for investigating the</p>	<p>Ala. Code § 15-23-62(1)-(8).</p>




<p>crime, the law enforcement agency shall provide to the victim in a manner and form designed and produced for the appropriate governmental agency or office, the following information:</p> <p>(1) The availability of emergency and crisis services.</p> <p>(2) The availability of victims' compensation benefits and the name, address, and telephone number of the Alabama Crime Victims Compensation Commission.</p> <p>(3) The name of the law enforcement officer and telephone number of the law enforcement agency with the following statement attached: 'If within 60 days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case.'</p> <p>(4) The procedural steps involved in a criminal prosecution.</p> <p>(5) The rights authorized by the Alabama Constitution on rights of victims, including a form to invoke these rights.</p> <p>(6) The existence and eligibility requirements of restitution and compensation pursuant to Section 15-18-65 et seq. and Section 15-23-1 et seq.</p> <p>(7) A recommended procedure if the victim is subjected to threats or intimidation.</p> <p>(8) The name and telephone number of the office of the prosecuting attorney to contact for further information.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place designating a specific person or persons with the responsibility of notifying victims of the above information.</p> <p> A promising practice, when promptly informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	
<p>Designated Representative.</p> <p>(a) If a victim is physically or emotionally unable to exercise any right established by this article, but is able to designate a lawful representative, the designated representative or person may exercise the same rights that the</p>	<p>Ala. Code § 15-23-61(a)-(c).</p>




<p>victim is entitled to exercise. The victim may revoke his or her designated representation at any time and thereafter exercise his or her rights.</p> <p>(b) If a victim is incompetent, deceased[] or otherwise incapable of designating another person to act in his or her behalf, the court may appoint a lawful representative who is not a witness in the case. If at any time the victim is no longer incompetent, incapacitated[] or otherwise incapable of acting, the victim may personally exercise his or her rights.</p> <p>(c) If the victim is a minor, the parent or other immediate family of the victim[] or other designated representative as determined by the court, may exercise all of the rights of the victim on behalf of the victim.</p>	
<p>Victim Information Is Not Public Record.</p> <p>The address, phone number, place of employment[] and other related information about the victim contained in the court file shall not be public record.</p> <p> Although this law is directed at courts, the same concept can and should be applied to law enforcement agencies. A promising practice is to have policies and procedures in place to ensure such victim information shall not be made public.</p>	<p>Ala. Code § 15-23-69(b).</p>
<p>Request That Testimony Not Reveal Victim Information.</p> <p>Based upon the reasonable apprehension of the victim of acts or threats of physical violence or intimidation by the defendant, the family of the defendant[] or by anyone at the direction of the defendant, against the victim or the immediate family of the victim, the prosecutor may petition the court to direct that the victim or any other witness not be compelled to testify during pre-trial proceedings or to any trial, facts that could divulge the identity, residence[] or place of employment of the victim, or other related information without consent of the victim unless necessary to the prosecution of the criminal proceeding. If the court schedules a hearing on the merits of the petition, it shall be held in camera.</p>	<p>Ala. Code § 15-23-69(a).</p>
<p>Separate Waiting Areas; and Minimizing Victims' Contact.</p> <p>The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant[] and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the</p>	<p>Ala. Code § 15-23-68.</p>

<p>victim with the defendant, relatives of the defendant[] and defense witnesses during court proceedings. For victims of domestic violence, as the terms are defined in Sections 13A-6-139.1 and 30-5-2, if a separate waiting area is not available, the presiding circuit judge shall create procedures so that the defendant has no contact with the victim.</p> <p> Although this law is directed to courts, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims' families, victims' witnesses and defendant, defendants' families and defense witnesses.</p>	
<p>Informed, Present and Heard.</p> <p>Crime victims, as defined by law or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.</p> <p> This right is provided by the Alabama Constitution.</p>	<p>Ala. Const. art. I, § 6.01(a).</p>
<p>Present Throughout All Criminal Proceedings.</p> <p>The victim has the right to be present throughout all criminal proceedings pursuant to Section 15-14-50 et seq.</p>	<p>Ala. Code § 15-23-67.</p>
<p>Present And Heard; and Discretion on How to Be Heard.</p> <p>It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forth with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement.</p>	<p>Ala. Code § 15-23-76.</p>
<p>Refusal of Defense Interview and Communication with Defense.</p> <p>The victim has the right to refuse a request by the defendant, the attorney of the defendant, or by any other person acting on behalf of the defendant, for an interview or other communication with the victim.</p>	<p>Ala. Code § 15-23-70.</p>

<p>No Employment Retaliation.</p> <p>The victim . . . [when] respond[ing] to a subpoena to testify in a criminal proceeding or participat[ing] in the reasonable preparation of criminal proceeding [shall do so] without the loss of employment or the intimidation, threats[] or fear of the loss of employment.</p>	<p>Ala. Code § 15-23-81.</p>
<p>Present When Negotiated Pleas Presented to the Court.</p> <p>The victim has the right to be present at any proceeding at which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court. The court shall not accept a plea agreement unless:</p> <p>(1) The prosecuting attorney advises the court that, before requesting the negotiated plea, reasonable efforts were made to confer with the victim.</p> <p>(2) Reasonable efforts are made to give the victim notice of the plea proceeding, including the offense to which the defendant will plead guilty, the date that the plea will be presented to the court, the terms of any sentence agreed to as part of the negotiated plea, and that the victim has the right to be present.</p> <p>(3) The prosecuting attorney advises the court that, to the best of his or her knowledge, the notice requirements of this article have been met.</p> <p> Although the onus appears to fall only on the courts and prosecutors, law enforcement, in concert with the prosecution, can assist with reasonable efforts to notify victims of plea proceedings.</p>	<p>Ala. Code § 15-23-71(1)-(3).</p>
<p>Presentation of Evidence, Impact Statement or Other Information.</p> <p>The victim has the right to present evidence, an impact statement, or information that concerns the criminal offense or the sentence during any pre-sentencing, sentencing[] or restitution proceeding.</p> <p> A promising practice, when promptly informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	<p>Ala. Code § 15-23-74.</p>

<p>Return of Property.</p> <p>(a) Prior to the admission of evidence to the court, on request of the victim, after consultation and written approval by the district attorney or Attorney General, 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>(b) If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the district attorney or the Attorney General, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.</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 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 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>Ala. Code § 15-23-77(a)-(b).</p>
<p>Notice of Right to Submit Statements into Prisoners’ Records.</p> <p>The victim shall have the right to be notified, upon written request, that he or she may submit a written statement, or recorded oral transcription, which shall be entered into the prisoner’s Department of Corrections[’] records. The statement shall be considered during any review for community status of the prisoner or prior to release of the prisoner.</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 and that some requests must be in writing.</p>	<p>Ala. Code § 15-23-79(a).</p>

<p>Prosecutor's Standing to Assert Victim Rights.</p> <p>The Attorney General or district attorney may assert any right to which the victim is entitled.</p> <p> The prosecutor's standing to assert victims' rights does not deny or diminish victims' standing to assert rights.</p>	<p>Ala. Code § 15-23-83.</p>
<p>Right to Have District Attorney File Motion to Order Person Charged to Be Tested for Sexually Transmitted Diseases.</p> <p>When a person has been charged with the crime of rape, sodomy[] or sexual misconduct and it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved, upon the request of the . . . victim or the parent or guardian of an . . . victim, the district attorney shall file a motion with the court for an order requiring the person charged to submit to a test for any sexually transmitted disease.</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>Ala. Code § 15-23-101.</p>
<p>Confidentiality of Results.</p> <p>(a) The results of tests or reports, or information therein, obtained under Section 15-23-102 shall be confidential and shall not be divulged to any person not authorized to receive the information.</p> <p>(b) A violation of this section is a Class C misdemeanor.</p>	<p>Ala. Code § 15-23-103(a)- (b).</p>
<p>Compensation Award Is Not Contingent on Prosecution or Conviction.</p> <p>Except as provided elsewhere in this article, an award may be made whether or not any person is prosecuted or convicted.</p> <p> For additional details, <i>see</i> Alabama Statutes, section 15-23-13.</p>	<p>Ala. Code § 15-23-13.</p>

<p>Clerk of Court's Assistance with Restitution Collection and Disbursement.</p> <p>The clerk of the court is authorized and shall accept partial payments from defendants when directed to do so by the court, pursuant to the conditions in Section 12-19-26. The clerk of the court shall disburse restitution to victims or the authorized recipient, including partial periodic payments as ordered under any judgment, decree[] or order of the circuit or district court, pursuant to Section 15-18-65 et seq. The disbursements shall be made to the victims or the authorized recipient no later than the time provided in Rule 4, Alabama Rules of Judicial Administration. The clerk of the court shall, at the end of each month, provide to the district attorney and probation office a list of the names of defendants who are delinquent in their restitution payments under a court-approved installment plan or any other deferred-payment time period specified by the court in its sentencing order.</p> <p> A promising practice, when promptly informing victims about restitution, is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	<p>Ala. Code § 15-23-82.</p>
<p>Notice of Right to Release Opinion Issued by Mental Health Facility with Custody of Defendant.</p> <p>Upon written request of the victim, the Alabama Department of Mental Health and Mental Retardation, or other facility with custody of the criminal defendant, shall send the victim a copy to the address stated in the request, of its release opinion which was provided to the appropriate court pursuant to Section 15-16-63 et seq.</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 and that some requests must be in writing.</p> <p> Victims who wish to be notified of release opinions 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>Ala. Code § 15-23-80.</p>

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