

Victims' Rights Request Form

As a victim of crime in Oregon, you have legal rights. A listing of your rights is explained in the attached brochures titled *General Information for Crime Victims* and *Victims' Rights Guide*. 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 if you want to exercise any of these rights.**

As a victim, you have the right to be notified in advance and attend every critical stage hearing of the case. You may also choose not to assert this right. Many of the hearings are procedural and may not be of interest to you. **Even if you do not assert these rights, you will still receive notice of any trial date (by subpoena). You will still 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 be paid to you. **Note: If you do not submit this form or contact our office by the above deadline, we will assume you are not invoking the rights listed below.**

Please let us know if you wish to exercise any of these rights:

- To prompt restitution for your loss or injury caused by the defendant. To receive restitution, you must complete and return the green restitution form **by the indicated deadline.**
- To be notified in advance of the sentencing
- If this is a violent felony case, to have the deputy district attorney consult with you before a plea agreement is made
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
VA initial when complete: _____

To be notified in advance of any other critical stage hearing, please mark the box(es) below.

<input type="checkbox"/> Release hearing	<input type="checkbox"/> Restitution hearing	<input type="checkbox"/> Expungement hearing
<input type="checkbox"/> Preliminary hearing	<input type="checkbox"/> Hearings on motions or petitions to amend, dismiss or set aside a charge, conviction, order or judgment; to suppress or exclude evidence	<input type="checkbox"/> Hearing for relief from the requirement to report as a sex offender
<input type="checkbox"/> Entry of guilty or no contest plea	<input type="checkbox"/> Hearings related to rescheduling of trial	<input type="checkbox"/> Hearings related to a deferred sentencing agreement
<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"/> Probation violation or revocation (for Class A misdemeanor and felony crimes)

- To request limiting the distribution of information about and recordings of sexual conduct
- If the crime involved the transmission of body fluids, to request HIV testing of the defendant
- In a DUII automobile collision case, to request that information about the case that is given to the defendant is also shared with you
VA initial when complete: _____
- To request no public access coverage in the courtroom in sex offense proceedings
- To have as a special condition of 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)
- To request ongoing involvement in any court actions that happen after the conviction such as appeal, post-conviction or federal habeas proceedings
- Any other right listed on the opposite page: _____
- To waive all rights**

Should you change your mind about exercising any of these rights, please contact us and we will work with you to exercise the right(s) if possible.

Name (please print) _____

Day time phone number _____

email: _____

Please return this form in the self-addressed envelope provided or fax to (503) 846-3407. If your contact information changes, please contact The District Attorney's Office at (503) 846-8671 immediately.

Victim's Rights Notification

Oregon law grants crime victims the following rights in all criminal and juvenile 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 sentencing, restitution hearings, trial, release hearings (except at arraignment), hearings to modify conditions of release, preliminary hearings, hearings in which defendant enters a guilty or no contest plea, hearings to suppress or exclude evidence, hearings on motions to amend, dismiss or set aside a charge, conviction, order or judgment, hearings for relief from the requirement to report as a sex offender, hearings related to deferred sentencing agreements, hearings related to rescheduling of trial, hearings on the admissibility of certain evidence of the victim's past behavior or dress, in sexual assault cases only (ORS 40.210), hearings on petitions to require certain persons to submit to a test for HIV or other communicable disease (ORS 135.139), probation violation or revocation hearings if the crime of conviction is a felony or A misdemeanor and the victim has requested notice of the hearing from the District Attorney or the supervising authority, any other stage of the criminal proceeding that the Court determines is a critical stage for the purposes of the Oregon Constitution (Art. 1, §42) (Senate Bill 233)

(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) VA initial when complete: _____

(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)

(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);

(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 144.102(3)(c)(A) and ORS 144.270(3)(c)(A); and

(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)

(m) The right 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.

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