

Crime victims have rights under the Colorado constitution, as guaranteed by a 1993 amendment. There are also certain crimes that additionally offer compensation to victims who have lost monetarily as a result of the incident.

CRIMES THAT FALL UNDER COLORADO'S VICTIM RIGHTS ACT:

- Murder in the first degree, in violation of section 18-3-102, C.R.S.;
- Murder in the second degree, in violation of section 18-3-103, C.R.S.;
- Manslaughter, in violation of section 18-3-104, C.R.S.;
- Criminally negligent homicide, in violation of section 18-3-105, C.R.S.;
- Vehicular homicide, in violation of section 18-3-106, C.R.S.;
- Assault in the first degree, in violation of section 18-3-202, C.R.S.;
- Assault in the second degree, in violation of section 18-3-203, C.R.S.;
- Assault in the third degree, in violation of section 18-3-204, C.R.S.;
- Vehicular assault, in violation of section 18-3-205, C.R.S.;
- Menacing, in violation of section 18-3-206, C.R.S.;
- First degree kidnapping, in violation of section 18-3-301, C.R.S.;
- Second degree kidnapping, in violation of section 18-3-302, C.R.S.;
- (I) Sexual assault, in violation of section 18-3-402, C.R.S.; or
- (II) Sexual assault in the first degree, in violation of section 18-3-402, C.R.S., as it existed prior to July 1, 2000;
- Sexual assault in the second degree, in violation of section 18-3-403, C.R.S., as it existed prior to July 1, 2000;
- (I) Unlawful sexual contact, in violation of section 18-3-404, C.R.S.; or
- (II) Sexual assault in the third degree, in violation of section 18-3-404, C.R.S., as it existed prior to July 1, 2000;
- Sexual assault on a child, in violation of section 18-3-405, C.R.S.;
- Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.;
- Sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, C.R.S.;
- Robbery, in violation of section 18-4-301, C.R.S.;
- Aggravated robbery, in violation of section 18-4-302, C.R.S.;
- Aggravated robbery of controlled substances, in violation of section 18-4-303, C.R.S.;
- Incest, in violation of section 18-6-301, C.R.S.;
- Aggravated incest, in violation of section 18-6-302, C.R.S.;
- Child abuse, in violation of section 18-6-401, C.R.S.;
- Sexual exploitation of children, in violation of section 18-6-403, C.R.S.;
- Crimes against at-risk adults or at-risk juveniles, in violation of section 18-6.5-103, C.R.S.;

- Any crime identified by law enforcement prior to the filing of charges as domestic violence, as defined in section 18-6-800.3 (1), C.R.S.;
- An act identified by a district attorney in a formal criminal charge as domestic violence, as defined in section 18-6-800.3 (1), C.R.S.;
- Any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., pursuant to section 18-6-801 (1), C.R.S.;
- Stalking, in violation of section 18-9-111 (4), C.R.S.;
- A bias-motivated crime, in violation of section 18-9-121, C.R.S.;
- Careless driving, in violation of section 42-4-1402, C.R.S., that results in the death of another person;
- Failure to stop at the scene of an accident, in violation of section 42-4-1601, C.R.S., where the accident results in the death of another person;
- Any criminal attempt, as described in section 18-2-101, C.R.S., any conspiracy, as described in section 18-2-201, C.R.S., any criminal solicitation, as described in section 18-2-301, C.R.S., and any accessory to a crime, as described in section 18-8-105, C.R.S., involving any of the crimes specified in this subsection (1);
- Retaliation against a witness or victim, in violation of section 18-8-706, C.R.S.;
- Intimidating a witness or a victim, in violation of section 18-8-704, C.R.S.;
- Aggravated intimidation of a witness or a victim, in violation of section 18-8-705, C.R.S.;
- Tampering with a witness or victim, in violation of section 18-8-707, C.R.S.;
- Indecent exposure, in violation of section 18-7-302, C.R.S.; or
- Violation of a protection order issued under section 18-1-1001, C.R.S., against a person charged with committing sexual assault, in violation of section 18-3-402, C.R.S.; sexual assault on a child, in violation of section 18-3-405, C.R.S.; sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.; or sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, C.R.S.

According to the Victim Rights Act, victims have the right:

- To be treated with fairness, respect and dignity;
- To be informed of and present for all "critical stages" of the criminal justice process;
- To be free from intimidation, harassment, or abuse; and to have the right to be informed about what steps can be taken if there is any intimidation or harassment by a person accused or convicted of the crime or anyone acting on the person's behalf;
- To be present and heard regarding bond reduction, continuances, acceptance of plea negotiations, case disposition, or sentencing;

- To consult with the district attorney prior to any disposition of the case or before the case goes to trial and to be informed of the final disposition of the case;
- To be informed of the status of the case and any scheduling changes or cancellations, if known in advance;
- To prepare a Victim Impact Statement and to be present and/or heard at sentencing;
- To have restitution ordered and to be informed of the right to pursue a civil judgment against the person convicted of the crime;
- To receive a prompt return of the property when it is no longer needed as evidence;
- To be informed of the availability of financial assistance and community services;
- To be given appropriate employer intercession services regarding court appearances and meetings with criminal justice officials;
- To be assured that in any criminal proceeding the court, the prosecutor, and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings;
- Whenever practicable, to have a safe, secure waiting area during court proceedings;
- Upon request, to be informed when a person accused or convicted of the crime is released from custody, is paroled, escapes or absconds from probation or parole;
- Upon written request, to be informed of and heard at any reconsideration of sentence, parole hearing, or commutation of sentence;
- Upon written request, to be informed when a person convicted of a crime against the victim is placed in or transferred to a less secure correctional facility or program or is permanently or conditionally transferred or released from any state hospital;
- To be informed of any rights which the victim has pursuant to the Constitution of the United States or the State of Colorado; and
- To be informed of the process for enforcing compliance with the Victim Rights Act.

Critical Stages:

- Filing of charges
- Preliminary hearing
- Any bond reduction or modification hearing
- Arraignment hearing
- Motions hearing
- Disposition of the complaint or charges against the person accused
- Trial
- Sentencing hearing
- Appellate review or appellate decision
- Sentence reconsideration

- Probation revocation hearing
- Filing of a complaint, summons, or warrant by probation for failure to report or because the location of a person convicted of a crime is unknown
- Request for change of venue or transfer of probation supervision
- Request for release from probation supervision prior to the expiration of original sentence
- Attack of a judgment or conviction
- Parole application hearing
- Parole, release, or discharge from imprisonment of a person convicted of a crime
- Parole revocation hearing
- Transfer to or placement of a person convicted of a crime in a non-secured facility, and
- Transfer, release, or escape of a person charged with or convicted of a crime from any state hospital
- In addition to the right to be informed and present, the victim also has a right to be heard at hearings on bond reduction, disposition of the complaint, such as acceptance or a negotiated plea, and a sentencing. The victim also has a right to provide input to the court regarding continuances.

If you feel as though your rights have been violated, you may file a complaint with the Division of Criminal Justice:

<http://dcj.state.co.us/ovp/VRA.html>

303-239-5719 or 1-888-282-1080