

# Marsy's Law Overview

On November 4, 2008, California voters approved Proposition 9, the Victims' Bill of Rights Act of 2008 known as Marsy's Law. This summary provides an accessible, plain-language overview of major provisions. For the full legal text, consult the [official state publication](#) provided by the California Secretary of State.

## Marsy's Story

Marsy Nicholas was a University of California Santa Barbara student who was stalked and killed in 1983. Marsy's Law is named in her memory and was enacted to strengthen the rights, protections, and voice of crime victims and their families.

## Key Victims' Rights Under Marsy's Law

The California Constitution, Article 1, Section 28(b), guarantees the following rights and protections for victims and their families. Each right is described in clear, reader-friendly language.

- **Fairness and Respect** Victims have the right to be treated with fairness and respect for their privacy and dignity and to be free from intimidation, harassment, and abuse throughout criminal and juvenile proceedings.
- **Protection from the Defendant** Victims have the right to reasonable protection from the defendant and from people acting on the defendant's behalf.
- **Safety Considerations in Bail and Release** Victim safety and the safety of the victim's family must be considered when setting bail and release conditions for the defendant.
- **Protection of Confidential Information** Victims have the right to prevent disclosure of confidential records or information that could be used to locate, harass, or harm them, or that would reveal privileged or confidential medical or counseling communications.
- **Refusal of Interviews by the Defense** Victims may refuse interviews, depositions, or discovery requests from the defendant, the defense attorney, or others acting for the defendant, and may require reasonable conditions if they consent to an interview.
- **Conference with the Prosecutor and Notice of Pretrial Disposition** Upon request, victims have the right to reasonable notice and the opportunity to confer with the

prosecuting agency about arrests, charges, extradition decisions, and pretrial dispositions.

- **Notice of and Presence at Public Proceedings** Victims have the right to reasonable notice of public proceedings, including delinquency hearings and parole or post-conviction release hearings, and to be present at those proceedings.
- **Appearance at Court and Expression of Views** Victims may be heard, upon request, at proceedings involving post-arrest release decisions, pleas, sentencing, post-conviction release decisions, or any proceeding where a victim's right is at issue.
- **Speedy Trial and Prompt Case Resolution** Victims have the right to a speedy trial and a prompt, final resolution of the case and related post-judgment matters.
- **Provide Information to Probation** Victims may provide information to probation officers preparing pre-sentence investigations and may submit sentencing recommendations before sentencing.
- **Receipt of Pre-Sentence Report** Victims may receive the pre-sentence report when it is available to the defendant, except for parts that the law makes confidential.
- **Information About Conviction and Release** Victims have the right to be informed, upon request, about conviction, sentence, place and time of incarceration, release dates, and escapes.
- **Restitution Rights**
  - The people of California intend that victims may seek and obtain restitution for losses caused by criminal activity.
  - Restitution should be ordered from convicted perpetrators in every case where a victim suffers loss, regardless of the sentence or disposition.
  - Monetary payments and property collected from a person ordered to pay restitution must be applied first to the restitution owed to victims.
- **Prompt Return of Property** Victims have the right to prompt return of property once it is no longer needed as evidence.
- **Notice of Parole Procedures and Participation** Victims have the right to be informed about parole procedures, to participate in the parole process, to provide

information for parole decisions, and to be notified of offender release, upon request.

- **Safety Considerations in Parole Release** Victim, family, and public safety must be considered before any parole or other post-judgment release decision.
- **Right to Be Informed of Enumerated Rights** Victims have the right to be informed of the rights listed above.