# STATE-SPECIFIC SUPPLEMENTAL GUIDE

## Guide to Your State’s Laws and Your Agency’s Practices

### State law and local practice vary throughout the country. This template will assist your agency in creating a guide with state and local information to complement this training. The prompts are organized by the page of the online training in which they appear. Included in this guide are tips for locating the prompted information. In order to obtain accurate information, consider partnering with local attorneys, bar associations, or criminal justice professionals.

## Helping Sexual Assault Victims Navigate the Criminal Justice System

### TRAINING FOR VICTIM ADVOCATES

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# MODULE 2 – OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM

## Glossary of Criminal Justice System Terminology and Basic Legal Concepts

### The statute of limitations on sex crimes in this state is…

(Note: The statute of limitations will be within your state’s criminal laws. The specific time limitation may differ between levels of offenses. Be sure to obtain and provide full, accurate information for all sex crimes).

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### The speedy trial law in this state is…

(Note: Beyond the constitutional right to a speedy trial, some states have statutes within their criminal laws that proscribe specific time limitations under which a criminal case must begin trial, or otherwise be resolved. Find out whether your state has any such statutes.)

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### How a Sexual Assault Report is Made to Law Enforcement

In this state the following people are mandated reporters, meaning that they must report incidents of sexual abuse/assault for which they become aware…

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### In this state, mandated reporters who become aware of sexual abuse/assault must report the following information…

(NOTE: Include to whom the mandated reporter must report, the extent of information they must include in their report, and whether they can do so anonymously/protect the victim’s confidentiality.)

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See page 1 for information about the statute of limitations on sex crimes in this state.

## Reporting Options

### In this jurisdiction, sexual assault victims have the following options when reporting the offense to law enforcement…

(NOTE: This information may be included in state or locality laws or be guided by local law enforcement agency practices. Be sure to obtain and include all such information regarding victim reporting options.)

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## Interview

### Are victim advocates permitted to be present for law enforcement interviews of sexual assault victims in this state?

(NOTE: This information may be found in state or local laws or may be guided by local law enforcement agency practices. Be sure to include all relevant laws and policies.)

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## Pre-Trial Detention

### In this state, the procedures a criminal court must follow to determine a defendant’s pre-trial detention or conditions of release are…

(NOTE: This information will likely be found in your state’s criminal laws. Be sure to include the procedure the court must follow in making pre-trial detention decisions, the factors the court is permitted or required to consider and the timing of this decision within the criminal justice process.)

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## Charges

### In this state, the mechanism(s) for filing criminal charges is/are…

(NOTE: This information may be different for the filing of misdemeanor charges and felony charges, be sure to obtain accurate information about both. Be sure to include whether your state/locality uses a Grand Jury system for filing charges, files charges based upon a complaint/information, or uses a preliminary hearing process.)

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## Preliminary Hearing

See page 6 for information regarding state law and local practice used to file criminal charges in your jurisdiction.

## Sentencing and Sanctions

### Sex offenses in this state are punishable by the following sentences/sanctions…

(NOTE: Permissible sentences/sanctions will likely vary based on the specific offense/severity of the offense. Be sure to include full, accurate information on the permissible range of sentences/sanctions for all sex offenses in your state.)

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## Fines and Restitution

### Fines are permitted as a sentence/sanction in this state for the following types of offenses…

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See Module 4 for state-specific information related to restitution.

## Other Post-Conviction Conditions

### Upon a defendant’s conviction, an order of protection may be issued for the following time period and may include the following conditions…

(NOTE: Be sure to obtain and include the permissible time period for orders of protection for all sex offenses as the time period for which a judge may issue an order of protection may differ between misdemeanors and felonies. Be sure also to include the permissible range of conditions that may be included in such an order of protection.)

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### In this state, the sex offender registry includes offenders convicted of the following crimes and includes the following information about offenders and their offenses…

(NOTE: Most states have a tiered sex offender registry and the type of publicly available information about an offender will vary depending on their designated level. Be sure to include information about which offenders are required to be listed on the registry and what information the public can access.)

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# MODULE 3 – VICTIMS’ RIGHTS

## Who is a ‘victim’?

### The legal definition of “crime victim” in this state is…

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## Victims’ Rights in State Proceedings

### Crime victims in this state are guaranteed the following rights…

(NOTE: Be sure to include the crime victims’ rights constitutional amendment if your state has one, in addition to any statutory protections.)

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## Right to Notice

### In this state, a crime victim’s right to notice is as follows…

(NOTE: This includes victims’ rights to notice of their rights as crime victims as well as victims’ rights to be notified of specific upcoming events/proceedings. It may be the case that your state does not afford such a right. Include whether or not crime victims in your state are afforded such a right. If victims in your state are afforded such a right be sure to include what notice it covers and what, if anything, victims must do to trigger this right.)

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## Limitations to Right to be Present

### In this state, a crime victim’s right to be informed and present is as follows…

(NOTE: This refers to crime victims’ rights to receive information about the criminal justice process related to their case and the right to be physically present during proceedings related to the case. Be sure to include whether crime victims in your state have these rights. If these rights are afforded also include what, if any, limitations there are on crime victims’ right to be informed and present.)

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## Right to Confer

### In this state, a crime victim’s right to confer is as follows…

(NOTE: This includes crime victims’ rights to receive information related to their case as well as to provide information and insight to the prosecutor regarding the crime and the victims’ concerns and desires for the process. Be sure to include whether your state gives crime victims such a right and to what extent this right is given/any limitations.)

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## Right to be Heard

### In this state, a crime victim’s right to be heard is as follows…

(NOTE: This refers to crime victims’ rights to be speak directly to the court. Be sure to include whether your state affords crime victims with such a right, the circumstances in which crime victims have such a right, and how they can assert this right.)

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## Victim Impact Statements

### A crime victims’ right to make a victim impact statement is as follows…

(NOTE: Be sure to include how victims are permitted to make their impact statement, any time frame requirements, and the permissible content for such statements under your state and local laws.)

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## Right to Reasonable Protection

### In this state, a crime victim’s right to reasonable protection from the accused is as follows…

(NOTE: Be sure to include whether crime victims’ are afforded a broad right to protection in your state and any statutory protections [e.g., provisions for orders of protection, notice of perpetrator’s release from custody, privacy of victim’s personal or contact information, etc.] Be sure to include whether victims must take action to trigger any such rights.)

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## Right to Proceedings Free from Unreasonable Delay

### In this state, a crime victim’s right to proceedings free from unreasonable delay is as follows…

(NOTE: Be sure to include whether your state affords crime victims such a right and how such a right interacts with your state’s speedy trial protections for defendants [See Module 2]).

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## Protecting the Victim’s Address

### This state does/does not have a victim address confidentiality program.

(NOTE: Include whether or not your state/locality has a victim address confidentiality program. If your state/locality does have a victim address confidentiality program include the parameters of the program and what action victims must take to utilize the program.)

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## Maintaining Confidentiality of the Victim’s Name

### This state does/does not permit a sexual assault victim to be identified by a pseudonym.

(NOTE: Include whether or not your state/locality permits sexual assault victims to be identified in law enforcement and/or court files by a pseudonym. If so, include the parameters of the program and what action victims must take to ensure they are identified by a pseudonym.)

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## Exceptions to Rape Shield Law

### The law in this state provides the following exceptions to the *rape shield law*…

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## Victim Advocates and Confidentiality

### Under federal law, the law of this state, and this agency’s policies, victim advocates must maintain client/crime victim’s confidentiality as follows…

(NOTE: Be sure to include applicable state laws as well as agency policies.)

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## Victim Advocates and Privilege

### This state does/does not afford privilege in the communications between sexual assault victims and victim advocates.

(NOTE: Include whether or not your state affords privilege in communications between sexual assault victims and victim advocates. Be sure to include how your state defines victim advocate, i.e., what qualifications an advocate must have for the communications to be privileged, as well as which communications are privileged.)

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## How is Confidentiality/Privilege Waived?

### Under the law in this state, confidentiality/privilege is waived in the following ways…

(NOTE: Be sure to include what the law in your state deems as a waiver of confidentiality/privilege and also your agency’s policies regarding obtaining waivers from clients and responding to subpoenas for confidential/privileged records.)

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# MODULE 4 – VICTIM RESTITUTION AND COMPENSATION

## Restitution in State Proceedings

### In this state the following expenses are properly considered for restitution…

(NOTE: In addition to the types of expenses that can be the subject of a restitution order in your state, include any applicable maximum amount allowed.)

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## Who Can Request Restitution?

### In this state the following people are eligible to request restitution as a crime victim…

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## Payment of Restitution

### Under the law in this state/local practice, restitution is paid in the following way(s)…

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## What Compensation Can a Crime Victim Receive?

### In this state crime victims can seek victim compensation for the following types of expenses…

(NOTE: Be sure to include any applicable maximum compensation.)

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## Applying for Compensation

### In this state, the process for submitting a victim compensation application is as follows…

(NOTE: Be sure to include applicable deadlines and required supporting documentation.)

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# MODULE 5 – MEDICAL FORNESIC SEXUAL ASSAULT EXAMINATIONS: WHAT ARE THEY, AND WHAT CAN THEY TELL THE COURTS?

## Payment for Medical Forensic Sexual Assault Examinations

### The law/policy in this state regarding financial coverage of medical forensic sexual assault examinations is as follows…

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## Comprehensive Sexual Assault Assessment Form

### Local practice regarding SANE documentation of the medical forensic sexual assault examination and evidence collection is as follows…

(NOTE: Include whether your jurisdiction [state or locality] has a particular form for use by area SANEs and who developed the form).

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## Time Frames for Evidence Collection

### The cutoff for collection of forensic evidence in this jurisdiction is…

(NOTE: Include where this directive comes from, e.g., the local Sexual Assault Response Team, state law, etc.)

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## Decision to Report or Store the Kit

### Local hospitals will store the forensic kit for the following time periods…

(NOTE: If not governed by local law, this may vary on the individual hospitals in your jurisdiction. Be sure to obtain full and accurate information.)

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## Another Time Limit Issue: Statutes of Limitation

### See Module 2 for information about statutes of limitation on sex offenses in your state.

## A Note About ‘Rape Kit’ Backlogs

### Our local jurisdiction has the following rape kit backlog and the following policies in place regarding the prompt testing of rape kits…

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## Suspect Examinations

### This jurisdiction does/does not have a protocol in place for suspect examinations.

(NOTE: Include details regarding any policy that is in place regarding suspect examinations).

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# MODULE 9 – CIVIL SYSTEMS AND HOW THEY INTERACT WITH THE CRIMINAL CASE

## Sexual Offender Parental Rights

### The law in this state does/does not provide for restriction and/or termination of parental rights of a sex offender parent.

(NOTE: If your state does provide for either restriction and/or termination of parental rights, include information on the circumstances in which a sexual assault victim may seek to limit or terminate the parental rights of their abuser and how a victim can initiate the limitation and/or termination.)

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