Indiana Victims' Rights

All victims of crime in Indiana have the following rights:

Right to fairness, dignity, and respect; freedom from intimidation, harassment, and abuse

A victim has the right to be

(1) treated with fairness, dignity, and respect; and

(2) free from intimidation, harassment, and abuse; throughout the criminal justice process.

Right to be informed of release or escape from custody of perpetrator

A victim has the right to be informed, upon request,

(1) When a person who is accused of committing; or convicted of committing; a crime perpetrated directly against the victim is released from custody or has escaped.

(2) Whenever a person accused or convicted of committing a crime is released or escapes from the custody of a mental health treatment agency or a hospital that is not operated by a county sheriff or the department of correction, the court committing the accused or convicted person to the mental health treatment agency or hospital shall carry out this section to inform the victim of the release or escape. The mental health treatment agency or hospital shall provide the court with sufficient information about the release or escape to allow the court to carry out this section.

Right to confer with prosecutor's office

A victim has the right to confer with a representative of the prosecuting attorney's office:

(1) after a crime allegedly committed against the victim has been charged;

(2) before the trial of a crime allegedly committed against the victim; and

(3) before any disposition of a criminal case involving the victim.

Right for consideration of the victim's safety

A victim has the right to have their safety considered in determining release from custody of a person accused of committing a crime against the victim.

Right to be heard at sentencing or release

A victim has the right to be heard at any proceeding involving sentencing, a post-conviction release decision, or a pre-conviction release decision under a forensic diversion program.

Right to contribute to the presentence reports

A victim has the right:

(1) to make a written or oral statement for use in preparation of the presentence report.

(2) to read presentence reports relating to the crime committed against the victim, except those parts of the reports containing the following:

(a) The source of confidential information.

(b) Information about another victim.

(c) Other information determined confidential or privileged by the judge in a proceeding.

The information given to the victim must afford the victim a fair opportunity to respond to the material included in the presentence report.

Right to an order of restitution

A victim has the right to pursue an order of restitution and other civil remedies against the person convicted of a crime against the victim.

Right to information about criminal case or perpetrator

A victim has the right to information, upon request, about the disposition of the criminal case involving the victim or the conviction, sentence, and release of a person accused of committing a crime against the victim.

Right to be informed of the victim's rights

A victim has the right to be informed of the victim's constitutional and statutory rights.

Rights of certain child victims of a sex offense in relation to defense counsel interviews

After charges are filed against a defendant in cases involving a child victim of a sexual crime, if defense counsel would like to interview the child,

(1) the defendant or defense counsel must contact the prosecuting attorney, and
(2) the child has the right confer with the prosecuting attorney before the interview occurs.

The prosecuting attorney may not instruct the child not to speak with defense counsel. If the parties are unable to agree to the terms of the interview, the parties may petition the court for a hearing on the terms of the interview prior to the interview taking place. The court shall review the terms suggested by the parties and consider the age of the child, any special considerations, and the rights of victims in setting reasonable terms for the interview.

Note: This section applies only to a child less than sixteen (16) years of age who is the victim or alleged victim of a sex offense (see Indiana Code 11-8-8-5.2).

Note: *This document is intended to summarize rights for victims of crime in Indiana. As such, it is not an exact copy of the Indian Code and may not reflect recent changes or amendments. Please refer to the original Indiana Code 35-40-5 if needed.*