

HCR

21



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

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Room, 118
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Room 112
(907) 465-4940

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Room 405
(907) 465-4919

MEMORANDUM

Date: February 13, 2008

To: Representative John Coghill
Chairman House Rules Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: Referral File for HCR 21

Attached please find the following documents, which represent the referral file for HCR 21:

- HCR 21 (25-LS1424\A)
- Back-up
- Fiscal Note HJUD - 0
- HJUD Committee Report

National Crime Victims' Rights Week | April 13-19, 2008

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FOR MORE INFORMATION, PLEASE CONTACT:

WHAT IS THE ALASKA OFFICE OF VICTIMS' RIGHTS?

In 2001 the Alaska legislature passed a law that created a new agency called the Alaska Office of Victims' Rights (OVR). Its purpose is to help victims of crime to obtain the rights they have under the Alaska constitution and statutes with regard to their contacts with criminal justice agencies in this state. The OVR was created in the nature of an Inspector General's office within the legislative, rather than the executive branch, as a way of avoiding conflicts within state government. It was also to ensure that the director and his staff would have the necessary independence to investigate criminal justice agencies and make appropriate recommendations, in their effort to help crime victims and their families. The law, which may be found in Alaska statute (AS) 24.65.010-.250, went into effect on July 1, 2002.

WHO IS THE VICTIMS' ADVOCATE?

The Alaska Legislature has appointed longtime Anchorage prosecutor Stephen Branchflower to become Alaska's first Victims' Advocate and director of the Office of Victims' Rights.

HOW WAS THE VICTIMS' ADVOCATE SELECTED?

A bipartisan legislative victims' advocate selection committee nominated Mr. Branchflower, who had served as a state prosecutor in Anchorage for 28 years. He was unanimously confirmed to the appointment in a joint meeting of the Alaska House and Senate on May 13, 2002. Mr. Branchflower's term of office is five years. He may be reappointed but may not serve for more than three terms. The legislature, by a concurrent resolution adopted by a roll call vote of two-thirds of the members of each house entered in the journal, may remove or suspend him from office, but only for neglect of duty, misconduct, or disability.

ARE YOU A CRIME "VICTIM"?

The term "victim" has a very specific meaning in Alaska's law. The Alaska legislature has defined it very broadly in order to protect not only the person who was the actual and direct target of a crime committed by the person responsible for that act (who is referred to in the law as the "perpetrator"), but also that victim's immediate family. In order to obtain the services of the OVR you must fall within the broad legal definition of the term "victim" found in Alaska statute 12.55.185 (16), which is as follows:

“(16) "Victim" means
(A) a person against whom an offense has been perpetrated;
(B) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is a minor, incompetent, or incapacitated:
(i) an individual living in a spousal relationship with the person specified in (A) of this paragraph; or
(ii) a parent, adult child, guardian, or custodian of the person;
(C) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is dead:
(i) a person living in a spousal relationship with the deceased before the deceased died;
(ii) an adult child, parent, brother, sister, grandparent, or grandchild of the deceased; or
(iii) any other interested person, as may be designated by a person having authority in law to do so.”

CRIMINAL DEFENDANTS ARE NOT ELIGIBLE FOR OVR SERVICES

It is the policy of the OVR to not accept complaints from criminal defendants for investigation regarding events that are connected with any prosecution they were involved with, or which occurred during a time they were a criminal defendant. As used in this policy, the term "criminal defendant" means any person who is charged with any crime or who has been convicted of any crime and a period of less than 3 years has elapsed between the date of the person's unconditional discharge by the court on the prior offense and the date of the alleged violation of the criminal defendant's victim's right.

WHAT ARE MY RIGHTS AS A CRIME VICTIM?

As a crime victim you have both constitutional and statutory rights. Your constitutional rights are those contained in Alaska's constitution. Statutory rights are those created by the Alaska legislature.

- *Constitutional Rights*

Article 1 Section 24 of Alaska's constitution guarantees crime victims the following constitutional rights:

1. The right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court;
2. The right to confer with the prosecution;

3. The right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process;
4. The right to timely disposition of the case following the arrest of the accused;
5. The right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present;
6. The right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered;
7. The right to restitution from the accused; and,
8. The right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication.

- *Statutory Rights*

In addition to the above constitutional rights, crime victims in Alaska also have numerous statutory rights. *Click here to see a comprehensive summary of your victim rights and the constitutional or statutory citations to all the above rights.*

JURISDICTION AND DUTIES OF THE OVR

- *Advocacy In Court On Behalf Of Victims*

To accomplish the goal of assisting you as a crime victim and of giving force to the above rights, the OVR is authorized to protect your rights and advocate on your behalf in state court in all felony offenses, all class A misdemeanors involving domestic violence and all misdemeanors involving crimes against the person. A felony offense is a crime where the possible sentence upon conviction is one or more years in jail and a substantial fine depending on the class of felony. Class A misdemeanors are those crimes punishable by up to one year in jail and up to a \$5,000 fine.

Additionally, OVR lawyers are permitted to address the sentencing judge on the victims' behalf when requested to do so by the victim and when the victim chooses not to personally make their victim impact statement to the judge.

- *Investigation Of Complaints By Victims*

If you are a victim of crime you have a right to file a written complaint with the OVR that you have been denied any of the rights established by Article 1 Section 24 of Alaska's constitution or the laws of this state as set forth above. The OVR is empowered to investigate your complaint and take appropriate action on your behalf regarding your contacts with criminal justice agencies. In conducting an investigation the OVR may:

- (1) Make inquiries and obtain information considered necessary from justice agencies;
- (2) Hold private hearings; and
- (3) Notwithstanding other provisions of law, have access at all times to records of justice agencies, including court records of criminal prosecutions and juvenile adjudications, necessary to ensure that the rights of crime victims are not being denied; with regard to court and prosecution records, the victims' advocate is entitled to obtain access to every record that any criminal defendant is entitled to access or receive. (AS 24.65.120).

Some examples of information and records available to the OVR are police reports, witness statements, lab reports, photos, taped statements, grand jury proceedings and exhibits, officers notes, scene diagrams, dispatch records, autopsy reports, pre-sentence reports, access to all physical evidence, and more. All information and/or records obtained during any investigation, including information and records subpoenaed by the OVR, are deemed confidential. *Click here to go to fill out an OVR complaint form.*

CAN THE OVR OBTAIN INFORMATION FROM CRIMINAL JUSTICE AGENCIES AND OTHERS WHO REFUSE TO PROVIDE IT?

A subpoena is a legal order requiring a person to appear at a specified time and place in order to provide documents, an object, or to answer questions under oath. It is a serious crime for a person to knowingly tell a lie when testifying. The director of the OVR is authorized by law to issue subpoenas to any person for any records or any object if he reasonably believes such items may provide information relating to a matter under investigation. He may also require the appearance of any person to give sworn testimony if he reasonably believes that person may have such information.

WHAT IF THE SUBPOENA IS IGNORED?

If a person refuses to comply with a subpoena issued by the director, he may file a motion with the superior court requesting a judge to issue a court order directing obedience to the subpoena. If the person persists in not complying, the person may be held in contempt of court by the judge and could be fined or jailed until the subpoena is complied with.

WHO MAY NOT BE REQUIRED TO PROVIDE INFORMATION?

The law excludes certain persons who may not be subpoenaed by the director and they are:

1. A justice, judge, magistrate or law clerk or a person acting under their direction;
2. A member of a grand or trial jury;
3. The person accused or convicted of the crime that is the basis for the investigation;
4. A victim counselor concerning a matter made confidential by statute;
5. A criminal justice agency concerning records that lead to the disclosure of a confidential police informant.

INFORMATION AND RECORDS OBTAINED BY THE OVR IS CONFIDENTIAL

The OVR is required by law to keep secret all matters and information, as well as the identities of all complainants or witnesses coming before the OVR, except insofar as disclosures of such information may be necessary to enable the OVR to carry out its duties and to support its recommendations. However, the OVR may not disclose a confidential record obtained from a court of justice agency.

PUBLICATION OF OVR FINDINGS FOLLOWING AN INVESTIGATION

Within a reasonable time after an investigation is completed, and after the OVR reports their opinion and recommendations to a justice agency, the director of the OVR may present the opinion and recommendations to the governor, the legislature, a grand jury, the public, or any of these. The OVR must include with the opinion any reply made by the justice agency. Written consent from the complainant to release the OVR's report must be obtained prior to release of the

report. Click here to see reports regarding recent investigations conducted by the OVR.

CONDUCT OF THE OVR MUST NOT INTERFERE WITH THE CRIMINAL JUSTICE SYSTEM

The OVR is required by law to ensure that their exercise of discretion does not interfere with any ongoing criminal investigation by a police agency or any criminal proceeding by the prosecutor's office. Additionally, the director must make sure OVR employees do not make public statements that lawyers are prohibited from making by the Alaska Rules of Professional Conduct. Finally, the OVR may not prevent or discourage a victim from providing evidence, testifying or cooperating in a criminal investigation or criminal proceeding.

THE OVR HAS VERY BROAD CIVIL IMMUNITY AND PROTECTION

- *There Is Limited Judicial Review Of OVR's Actions*

The OVR Act provides that a proceeding or decision made by the director of the OVR or his staff may be reviewed in superior court *only* to determine if it is contrary to the provisions of the statutes that created the OVR. It also provides that the conclusions, thought processes, discussions, records, reports and recommendations of or information collected by the director or his staff is not admissible in a civil or criminal proceeding, and is not subject to questioning or disclosure by subpoena or discovery.

- *The OVR Has Immunity From Suit*

A civil lawsuit may not be brought against the director of the OVR, nor a member of his staff, for anything they do or say, or that they fail to do or say, in the performance of OVR's duties or responsibilities.

IT'S A CRIME TO HINDER THE OVR OR TO FAIL TO COMPLY WITH THEIR REQUESTS

Alaska law provides "A person who knowingly hinders the lawful actions of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses to comply with their lawful demands, is guilty of a misdemeanor and upon conviction may be punished by a fine of not more than \$1000." A misdemeanor is a crime.

HOW IS THE OVR FUNDED?

The OVA is funded by money from convicts' forfeited permanent fund dividend checks. Alaska statute 43.23.005 is the law that determines a person's eligibility to receive a permanent fund dividend. A person is disqualified from receiving a PFD if during the dividend year they have either (1) been convicted of a felony, (2) spent time in jail for a felony conviction, or (3) jailed for their third misdemeanor conviction during the dividend year if they have ever been convicted of a felony at any time.

In dividend year 2002, 5276 persons lost their PFD checks by operation of this law, which is an amount that totaled slightly more than \$8 Million dollars. Those funds are placed into an account that (either in whole or in part) funds the OVR, the Violent Crimes Compensation Fund, the Department of Corrections, and the Council on Domestic Violence and Sexual Assault. It also funds grants to various non-profit victims' rights organizations for services to Alaskan victims of crime.

ANNUAL REPORT

The director of the OVR is required to publish an annual report regarding the OVR's activities and to notify the legislature that the report is available.

HOW CAN I CONTACT THE ALASKA OFFICE OF VICTIMS' RIGHTS?

The Office of Victims' Rights can be reached at the following address:

Alaska Office of Victims' Rights
1007 West 3rd Ave. Suite 205
Anchorage, Alaska 99501-1936

1-907-272-2620 Main telephone
1-907-866-274-2620 Toll free in Alaska
1-907-272-2640 Fax

You may also e-mail the office at:

officeofvictimsrights@legis.state.ak.us

Crime Clock¹

Homicide One person is murdered every 31 minutes.²

Rape One person is raped every 2.7 minutes.³

Assault One person is assaulted every 7.2 seconds.⁴

Theft One home is victimized by theft every 2.3 seconds.⁵

Burglary One home is burglarized every 9.1 seconds.⁶

Domestic Violence One woman is victimized by an intimate partner every 1.3 minutes. One man is victimized every 6.7 minutes.⁷

Child Abuse and Neglect One child is reported abused or neglected every 35 seconds.⁸

Drunk Driving One person is killed in an alcohol-related traffic crash every 29 minutes.⁹

Identity Theft One person becomes a victim of identity theft every 8.7 seconds.¹⁰

Elder Abuse One elderly person is victimized every 2.7 minutes.¹¹

Hate Crime One hate crime is reported to the police every 73 minutes.¹²



NOTE: All calculations were conducted by the National Center for Victims of Crime utilizing the data from sources cited.

¹ Federal Bureau of Investigation, "Crime in the United States, 2005: Murder," (Washington, DC: Federal Bureau of Investigation, 2006), http://www.fbi.gov/ucr/05cius/offenses/violent_crime/murder_homicide.html (accessed August 27, 2007).

² Shannon M. Catalano, "Criminal victimization, 2005," (Washington, DC: Bureau of Justice Statistics, 2005), 3, <http://www.ojp.usdoj.gov/bjs/pub/pdf/v05.pdf> (accessed October 19, 2007).

³ *Ibid.*, 7.

⁴ *Ibid.*, 5.

⁵ *Ibid.*

⁶ *Ibid.*, 9.

⁷ Children's Bureau, "Child Maltreatment, 2004," (Washington, DC: U.S. Department of Health and Human Services, 2005), 23, <http://www.aclihhs.gov/programs/cb/pubs/cm04/cm04.pdf> (accessed August 5, 2007).

⁸ National Highway Traffic Safety Administration, "Traffic Safety Facts: Crash Stats 2006 Traffic Safety Annual Assessment - A Preview," (Washington, DC: U.S. Department of Transportation, 2007), <http://www.nhtsa.dot.gov/portals/nhtsa-static-files/downloaders/pdf/files/staticfiles/DOT/NHTSA/NCSA/Content/RNotes/2007/10791.pdf> (accessed October 19, 2007).

⁹ Council of Better Business Bureaus, Inc., "New Research Shows Identity Fraud Growth is Contained and Consumers Have More Control Than They Think," (Arlington, VA: Council of Better Business Bureaus, Inc., 2006), <https://secure.playsite.com/article/news/article.php?articleID=25> (accessed October 19, 2007).

¹⁰ Easter et al., "The 2004 Survey of State Adult Protective Services: Abuse of Adults 60 Years of Age and Older," (Washington, DC: National Center on Elder Abuse, 2006), 5, <http://www.elderabusecenter.org/pdf/2/4/06420FINAL%2060+REPORT.pdf> (accessed October 19, 2007).

¹¹ Federal Bureau of Investigation, "Hate Crime Statistics, 2005," (Washington, DC: U.S. Department of Justice, 2006), 3, <http://www.fbi.gov/ucr/hc05/decdownload/incidentsandoffenses.html> (accessed August 20, 2007).



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CRIME VICTIMS' RIGHTS IN AMERICA

"If we do not maintain justice, justice will not maintain us."

Francis Bacon, English philosopher and statesman (1561 – 1626)

1965

- The first crime victim compensation program is established in California.
- By 1970, five additional compensation programs are created in New York, Hawaii, Massachusetts, Maryland, and the Virgin Islands.

1972

- The first three victim assistance programs are established:
 - > Aid for Victims of Crime in St. Louis, Missouri
 - > Bay Area Women Against Rape in San Francisco, California
 - > Rape Crisis Center in Washington, DC

1973

- The results of the first National Crime Victimization Survey are released. The survey, commissioned by the President's Commission on Law Enforcement and the Administration of Justice, asks U.S. household members about their exposure to crime. It is intended to complement what is known about crime from the FBI's annual compilation of crimes reported to law enforcement agencies.

1974

- The Law Enforcement Assistance Administration (LEAA) funds the first victim/witness programs in the Brooklyn and Milwaukee

District Attorneys' offices, plus seven others through a grant to the National District Attorneys Association, to establish model assistance programs for victims, encourage victim cooperation, and improve prosecution.

- The first law enforcement-based victim assistance programs are established in Fort Lauderdale, Florida, and Indianapolis, Indiana.
- Congress passes the Child Abuse Prevention and Treatment Act, which establishes the National Center on Child Abuse and Neglect. The new Center establishes an information clearinghouse and provides technical assistance and model programs.

1975

- The first "Victims' Rights Week" is organized by the Philadelphia District Attorney.
- Citizen activists from across the country unite to expand victim services and increase recognition of victims' rights through the formation of the National Organization for Victim Assistance (NOVA).

1976

- The National Organization for Women forms a task force to examine the problem of battering. It calls for research into the problem, along with money for battered women's shelters.
- The first national conference on

battered women is sponsored by the Milwaukee Task Force on Women in Milwaukee, Wisconsin.

- In Fresno County, California, Chief Probation Officer James Rowland creates the first victim impact statement to provide the judiciary with an objective inventory of victim injuries and losses at sentencing.
- The first hotline for battered women is started by Women's Advocates in St. Paul, Minnesota.
- Women's Advocates and Haven House in Pasadena, California, establish the first shelters for battered women.
- Nebraska and Wisconsin become the first states to abolish the marital rape exemption.

1977

- The National Association of Crime Victim Compensation Boards is established by the existing 22 state victim compensation programs to promote the creation of a nationwide network of compensation programs.
- Oregon becomes the first state to enact mandatory arrest in domestic violence cases.

1978

- The National Coalition Against Sexual Assault is formed to combat sexual violence and promote services for rape victims.
- The National Coalition Against Domestic Violence (NCADV) is

AN HISTORICAL OVERVIEW

organized as a voice for the battered women's movement on a national level.

- Parents Of Murdered Children (POMC), a self-help support group, is founded in Cincinnati, Ohio.
- Minnesota becomes the first state to allow probable cause (warrantless) arrests in cases of domestic assault, regardless of whether a protection order has been issued.

1979

- Frank G. Carrington, considered by many to be "the father of the victims' rights movement," founds the Crime Victims' Legal Advocacy Institute, Inc., to promote the rights of crime victims in the civil and criminal justice systems. The nonprofit organization is renamed VALOR, the Victims' Assistance Legal Organization, in 1981.
- The Office on Domestic Violence is established in the U.S. Department of Health and Human Services but is later closed in 1981.
- The World Society of Victimology is formed to promote research relating to crime victims and victim assistance, advocate for victims' interests, and advance cooperation of international, regional, and local agencies concerned with crime victims' issues.

1980

- Mothers Against Drunk Driving (MADD) is founded after the death of 13-year-old Cari Lightner, who was killed by a repeat drunk-driving offender. The first two MADD chapters are established in Sacramento, California, and Annapolis, Maryland.

- Congress passes the Parental Kidnapping Prevention Act of 1980.
- Wisconsin passes the first "Crime Victims' Bill of Rights."
- The First National Day of Unity is established in October by NCADV to mourn battered women who have died, celebrate women who have survived the violence, and honor all who have worked to defeat domestic violence.
- The first Victim Impact Panel is sponsored by Remove Intoxicated Drivers (RID) in Oswego County, New York.

1981

- President Ronald Reagan proclaims the first "National Victims' Rights Week" in April.
- The abduction and murder of six-year-old Adam Walsh prompt a national campaign to raise public awareness about missing children and enact laws to better protect children.
- The Attorney General's Task Force on Violent Crime recommends that a separate national task force be created to examine victims' issues.

1982

- In a Rose Garden ceremony, President Reagan appoints members of the Task Force on Victims of Crime, which holds public hearings in six cities across the nation to focus attention on the needs of crime victims. The Task Force's Final Report offers 68 recommendations that become the framework for the advancement of new programs and policies. Its final recommendation, to amend

the Sixth Amendment of the U.S. Constitution to guarantee that "...the victim, in every criminal prosecution, shall have the right to be present and to be heard at all critical stages of judicial proceedings..." becomes a vital source of new energy to secure state victims' rights constitutional amendments.

- The Victim and Witness Protection Act of 1982 brings "fair treatment standards" to victims and witnesses in the federal criminal justice system.
- California becomes the first state to amend its constitution to address the interests of crime victims by establishing a constitutional right to victim restitution.
- The passage of the Missing Children's Act of 1982 helps guarantee that identifying information about missing children is promptly entered into the FBI National Crime Information Center (NCIC) computer system.
- Congress abolishes, through failure of appropriations, the Law Enforcement Assistance Administration; many grassroots and system-based victim assistance programs close.

1983

- The Office for Victims of Crime (OVC) is established by the U.S. Department of Justice within the Office of Justice Programs to implement recommendations from the President's Task Force on Victims of Crime. OVC establishes a national resource center, trains professionals, and develops model legislation to protect victims' rights.

CRIME VICTIMS' RIGHTS IN AMERICA

- U.S. Attorney General William French Smith establishes a Task Force on Family Violence, which holds six public hearings across the United States.
 - U.S. Attorney General Smith issues the first *Attorney General Guidelines for Victim and Witness Assistance*, which outlines standards for federal victim and witness assistance and implementation of victims' rights contained in the federal Victim and Witness Protection Act of 1982.
 - In April, President Reagan honors crime victims in a White House Rose Garden ceremony.
 - The First National Conference of the Judiciary on Victims of Crime is held at the National Judicial College in Reno, Nevada, with support from the National Institute of Justice. Conferees develop recommendations for the judiciary on victims' rights and services.
 - President Reagan proclaims the first National Missing Children's Day in observance of the fourth anniversary of the disappearance of six-year-old Etan Patz.
 - Wisconsin passes the first Child Victim and Witness Bill of Rights.
 - The International Association of Chiefs of Police Board of Governors adopts a Crime Victims' Bill of Rights and establishes a Victims' Rights Committee to focus attention on the needs of crime victims by law enforcement officials nationwide.
- 1984
- The passage of the Victims of Crime Act (VOCA) establishes the Crime Victims Fund, made up of federal criminal fines, penalties, and bond forfeitures, to support state victim compensation and local victim service programs.
 - President Reagan signs the Justice Assistance Act, which establishes a financial assistance program for state and local government and funds 200 new victim service programs.
 - The National Center for Missing and Exploited Children is established as the national resource agency for missing children. The Center was mandated as part of the Missing Children's Assistance Act of 1982.
 - The Task Force on Family Violence presents its report to the U.S. Attorney General with recommendations for action, including improving the criminal justice system's response to battered women and establishing prevention and awareness activities, education and training, and data collection and reporting.
 - The National Minimum Drinking Age Act of 1984 is enacted, providing strong incentives to states to raise the minimum age for drinking to 21, saving thousands of young lives in years to come.
 - The Spiritual Dimension in Victim Services is founded to involve the faith community in violence prevention and victim assistance.
 - Congress passes the Family Violence Prevention and Services Act, which earmarks federal funding for programs serving victims of domestic violence.
 - Concerns of Police Survivors (COPS) is organized at the first police survivors' seminar held in Washington, DC, by 110 relatives of officers killed in the line of duty.
 - A victim/witness notification system is established within the Federal Bureau of Prisons.
 - Victim/witness coordinator positions are established in the U.S. Attorneys' Offices within the U.S. Department of Justice.
 - California State University, Fresno, initiates the first Victim Services Certificate Program offered for academic credit by a university.
 - OVC establishes the National Victims Resource Center, now named the Office for Victims of Crime Resource Center (OVCRC), to serve as a clearinghouse for OVC publications and other resource information.
- 1985
- The Crime Victims Fund deposits total \$68 million.
 - The National Victim Center (renamed the National Center for Victims of Crime in 1998) is founded in honor of attempted-murder victim Sunny von Bulow promote the rights and needs of crime victims and to educate Americans about the devastating effect of crime on our society.
 - The United Nations General Assembly adopts the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power that serves as the basis for victim service reform at national and local levels throughout the world.
 - President Reagan announces the Child Safety Partnership to enhance private sector efforts to promote child safety, clarify information about child victimization, and increase public awareness of child abuse.

AN HISTORICAL OVERVIEW

- The U.S. Surgeon General issues a report identifying domestic violence as a major public health problem.

1986

- The Crime Victims Fund deposits total \$62 million.
- OVC awards the first grants to support state victim assistance and compensation programs.
- Two years after its passage, the Victims of Crime Act is amended by the Children's Justice Act to provide funds specifically for the investigation and prosecution of child abuse.
- Over 100 constitutional amendment activists meet in Washington, DC, at a forum sponsored by NOVA, and formally agree to seek a federal constitutional amendment.
- Rhode Island passes a victims' rights constitutional amendment granting victims the rights to restitution, to submit victim impact statements, and to be treated with dignity and respect.
- MADD's "Red Ribbon Campaign" enlists motorists to display a red ribbon on their automobiles, signaling a pledge to drive safely and soberly during the holidays. This national public awareness effort has since become an annual campaign.
- By year's end, 35 states have established victim compensation programs.

1987

- The Crime Victims Fund deposits total \$77 million.
- The National Victims' Constitutional Amendment Network and Steering Committee are formed at a meeting hosted by the National Center for Victims of Crime (formerly the National Victim Center). This initiative becomes instrumental in the passage of victims' rights amendments throughout the United States.
- Security on Campus, Inc., (SOC) is established by Howard and Connie Clery, following the tragic robbery, rape, and murder of their daughter, Jeanne, at Lehigh University in Pennsylvania. SOC raises national awareness about crime and victimization on our nation's campuses.
- The American Correctional Association establishes a Task Force on Victims of Crime.
- NCADV establishes the first national toll-free domestic violence hotline.
- October is officially designated as National Domestic Violence Awareness Month to honor battered women and those who serve them.
- In a 5-4 decision, the U.S. Supreme Court rules in *Booth v. Maryland* (482 U.S. 496) that victim impact statements are unconstitutional (in violation of the Eighth Amendment) when applied to the penalty phase of a capital trial because "only the defendant's personal responsibility and moral guilt" may be considered in capital sentencing. Significant dissenting opinions are offered.
- Victims and advocates in Florida, frustrated by five years of inaction by their legislature on a proposed

victims' rights constitutional amendment, begin a petition drive. Thousands of citizens sign petitions supporting constitutional protection for victims' rights. The Florida legislature reconsiders, and the constitutional amendment appears on the 1988 ballot.

1988

- The Crime Victims Fund deposits total \$93 million.
- OVC sets aside funds for the Victim Assistance in Indian Country grant program to provide direct services to Native Americans by establishing "on-reservation" victim assistance programs in Indian Country.
- The National Aging Resource Center on Elder Abuse is established by a cooperative agreement among the American Public Welfare Association, the National Association of State Units on Aging, and the University of Delaware. Renamed the National Center on Elder Abuse, it continues to provide information and statistics.
- *State v. Ciskie* is the first case to allow the use of expert testimony to explain the behavior and mental state of an adult rape victim. The testimony is used to show why a victim of repeated physical and sexual assaults by her intimate partner would not immediately call the police or take action. The jury convicts the defendant on four counts of rape.
- The Drunk Driving Prevention Act is passed, and all states raise the minimum drinking age to 21.
- Victims' rights constitutional amendments are introduced in Arizona, California, Connecticut,

CRIME VICTIMS' RIGHTS IN AMERICA

Delaware, Michigan, South Carolina, and Washington. Florida's amendment is placed on the November ballot, where it passes with 90 percent of the vote. Michigan's amendment passes with over 80 percent of the vote.

- OVC sponsors the first "Indian Nations: Justice for Victims of Crime" conference in Rapid City, South Dakota.
- Amendments to the Victims of Crime Act legislatively establish the Office for Victims of Crime, elevate the position of Director by making Senate confirmation necessary for appointment, and encourage state compensation programs to cover victims of domestic violence, homicide, and drunk driving. In addition, VOCA amendments, at the behest of MADD and POMC, add a new "priority" category for funding victim assistance programs for "previously underserved victims of violent crime."
- OVC establishes a Federal Emergency Fund for victims in the federal criminal justice system.

1989

- The Crime Victims Fund deposits total \$133 million.
- In a 5-4 decision, the U.S. Supreme Court reaffirms in *South Carolina v. Gathers* its 1987 decision in *Booth v. Maryland* that victim impact evidence and arguments are unconstitutional when applied to the penalty phase of a capital trial. Again, significant dissenting opinions are offered.
- The legislatures in Texas and Washington pass victims' rights constitutional amendments. Both are ratified by voters.

1990

- The Crime Victims Fund deposits total \$146 million.
- Congress passes the Hate Crime Statistics Act, requiring the U.S. Attorney General to collect data on the incidence of certain crimes motivated by prejudice based on race, religion, sexual orientation, or ethnicity.
- The Student Right to Know and Campus Security Act, requiring institutions of higher education to disclose murder, rape, robbery, and other crimes on campus, is signed into law by President George H.W. Bush.
- Congress passes the Victims of Child Abuse Act, which features reforms to make the federal criminal justice system less traumatic for child victims and witnesses.
- The Victims' Rights and Restitution Act of 1990 incorporates a Bill of Rights for federal crime victims and codifies services that should be available to victims of crime.
- Congress passes legislation proposed by MADD to prevent drunk drivers and other offenders from filing bankruptcy to avoid paying criminal restitution or civil fines.
- The Arizona petition drive to place the victims' rights constitutional amendment on the ballot succeeds, and the amendment is ratified by voters.
- The first National Incidence Study on Missing, Abducted, Runaway and Thrownaway Children in America shows that more than one million children are abducted annually.

- The National Child Search Assistance Act requires law enforcement to enter reports of missing children and unidentified persons into the FBI's NCIC computer system.

1991

- The Crime Victims Fund deposits total \$128 million.
- U.S. Representative Ileana Ros-Lehtinen (R-FL) introduces the first Congressional Joint Resolution (H. J. RES. 247) to place victims' rights in the U.S. Constitution.
- California State University, Fresno, approves the first bachelor's degree program in victimology in the nation.
- The National Center for Victims of Crime releases *America Speaks Out*, the results of the first national public opinion poll to examine citizens' attitudes about violence and victimization.
- In a 7-2 decision in *Payne v. Tennessee* (501 U.S. 808), the U.S. Supreme Court reverses its earlier decisions in *Booth v. Maryland* (1987) and *South Carolina v. Gathers* (1989) and rules that testimony and prosecutorial arguments commenting on the murder victim's good character, as well as how the victim's death affected his or her survivors, do not violate the defendant's constitutional rights in a capital case.
- U.S. Attorney General William P. Barr issues new comprehensive guidelines that establish procedures for the federal criminal justice system to respond to the needs of crime victims. The 1991 *Attorney General Guidelines for Victim and Witness*

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Assistance implement new protections of the Crime Control Act of 1990, integrating requirements of the Crime Victims' Bill of Rights, the Victims of Child Abuse Act, and the Victim and Witness Protection Act.

- The American Probation and Parole Association establishes a Victim Issues Committee to examine victims' issues and concerns related to community corrections.
- The New Jersey legislature passes a victims' rights constitutional amendment, which is ratified by voters in November.
- Colorado legislators introduce a victims' rights constitutional amendment on the first day of National Crime Victims' Rights Week. The bill is unanimously passed by both Houses to be placed on the ballot in 1992.
- In an 8-0 decision, the U.S. Supreme Court rules in *Simon & Schuster v. New York Crime Victims Board* that New York's notoriety-for-profit statute was overly broad and unconstitutional. Notoriety-for-profit statutes had been passed by many states by this time to prevent convicted criminals from profiting from the proceeds of depictions of their crimes in the media or publications.
- The Washington Secretary of State implements the nation's first Address Confidentiality Program, which provides victims of domestic violence, stalking, and sexual assault an alternative, confidential mailing address and secures the confidentiality of two normally public records—voter registration and motor vehicle records.
- By the end of 1991, seven states have incorporated victims' rights into their state constitutions.

1992

- The Crime Victims Fund deposits total \$221 million.
- The National Center for Victims of Crime releases *Rape in America: A Report to the Nation*, a groundbreaking study on forcible rape, including data on rape frequency, victims' reporting rate to police, the impact of rape on victims' mental health, and the effect of media disclosure of victim identities on reporting rape to law enforcement.
- The Association of Paroling Authorities International establishes a Victim Issues Committee to examine victims' needs, rights, and services in parole processes.
- Congress reauthorizes the Higher Education Bill, which includes the Campus Sexual Assault Victims' Bill of Rights.
- The Battered Women's Testimony Act, which urges states to accept expert testimony in criminal cases involving battered women, is passed by Congress and signed into law by President George H. W. Bush.
- In a unanimous decision, the U.S. Supreme Court—in *R.A.V. v. City of St. Paul*—strikes down a local hate crimes ordinance in Minnesota. The ordinance had prohibited the display of a symbol which one knew or had reason to know "arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender," and was found to violate the First Amendment.
- Five states—Colorado, Kansas, Illinois, Missouri, and New Mexico—ratify victims' rights constitutional amendments.

- Twenty-eight states pass anti-stalking laws.
- Massachusetts passes a landmark bill creating a statewide computerized domestic violence registry and requires judges to check the registry when handling such cases.

1993

- The Crime Victims Fund deposits total \$144 million.
- Wisconsin ratifies its victims' rights constitutional amendment, bringing the total number of states with these amendments to 14.
- Congress passes the International Parental Child Kidnapping Act, which makes unlawful removal of a child from outside the United States with the intent to obstruct the lawful exercise of parental rights a federal felony.
- President William J. Clinton signs the "Brady Bill," requiring a waiting period for the purchase of handguns.
- Congress passes the Child Sexual Abuse Registry Act, establishing a national repository for information about child sex offenders.
- Twenty-two states pass anti-stalking statutes, bringing the total number of states with anti-stalking laws to 50, plus the District of Columbia.

1994

- The Crime Victims Fund deposits total \$185 million.
- The American Correctional Association Victims Committee publishes the landmark *Report and Recommendations on Victims of Juvenile Crime*, which offers

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guidelines for improving victims' rights and services within the juvenile justice system.

- Six additional states pass victims' rights constitutional amendments—the largest number ever in a single year—bringing the total number of states with amendments to 20. States with new amendments include Alabama, Alaska, Idaho, Maryland, Ohio, and Utah.
- President Clinton signs a comprehensive package of federal victims' rights legislation as part of the Violent Crime Control and Law Enforcement Act. The Act includes:
 - > The Violence Against Women Act (VAWA), which authorizes more than \$1 billion in funding for programs to combat violence against women.
 - > Enhanced VOCA funding provisions.
 - > Establishment of a National Child Sex Offender Registry.
 - > Enhanced sentences for drunk drivers with child passengers.
- Kentucky becomes the first state to institute automated telephone notification to crime victims of their offender's status, location, and release date.
- OVC establishes the Community Crisis Response program, using the NOVA model, to improve services to victims in communities that have experienced a crime resulting in multiple violent victimizations.

1995

- The Crime Victims Fund deposits total \$233 million.
- Legislature, in three states—Indiana, Nebraska, and North

Carolina—pass victims' rights constitutional amendments that will be placed on the ballot in 1996.

- The National Victims' Constitutional Amendment Network proposes the first draft of language for a federal victims' rights constitutional amendment.
- The first class graduates from the National Victim Assistance Academy (NVAA) in Washington, DC. Supported by OVC, NVAA provides an academically credited 45-hour curriculum on victimology, victims' rights, and other victim-related topics.
- *The Anatomy of Fraud: Report of a Nationwide Survey* by Richard Titus, Fred Heinzelmann, and John M. Boyle is published. The report is based on the first nationwide survey, conducted in 1991 by the National Institute of Justice, to determine the scope of fraud and its effects, with findings that an estimated \$40 billion is lost to fraud each year. One-third of the people surveyed reported that an attempt to defraud them had occurred in the previous year.
- The U.S. Department of Justice issues the revised *Attorney General Guidelines for Victim and Witness Assistance*. These guidelines increase the accountability of federal criminal justice officials, directing that performance appraisals and reports of best efforts include information on compliance with the *Attorney General Guidelines for Victim and Witness Assistance*.
- The Beijing World Conference on Women issues a landmark call for global action to end violence against women.

1996

- The Crime Victims Fund reaches an historic high with deposits over \$525 million.
- Federal victims' rights constitutional amendments are introduced in both houses of Congress with bipartisan support.
- Both presidential candidates and Attorney General Janet Reno endorse the concept of a federal victims' rights constitutional amendment.
- Eight states ratify the passage of victims' rights constitutional amendments—raising the total number of such state constitutional amendments to 29 nationwide.
- President Clinton reaffirms his support of federal constitutional rights for crime victims in a Rose Garden ceremony attended by members of Congress, criminal justice officials, and representatives of local, state, and national victims' rights organizations.
- The Community Notification Act, known as "Megan's Law," amends the Child Sexual Abuse Registry law to provide for notifying communities of the location of convicted sex offenders.
- President Clinton signs the Antiterrorism and Effective Death Penalty Act, providing \$1 million to strengthen antiterrorism efforts, make restitution mandatory in violent crime cases, and expand compensation and assistance for victims of terrorism both at home and abroad, including victims in the military.
- OVC uses its new authority under the Antiterrorism and Effective Death Penalty Act to provide

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substantial financial assistance to the victims and survivors of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

- The Mandatory Victims' Restitution Act, enacted as Title II of the Antiterrorism and Effective Death Penalty Act, allows federal courts to award "public harm" restitution directly to state VOCA victim assistance programs. The Act makes restitution in federal cases mandatory, regardless of the defendant's ability to pay. It also requires federal courts to order restitution to victims of fraud.
- The VOCA definition of "crime victim" is expanded to include victims of financial crime, allowing this group to receive counseling, advocacy, and support services.
- The National Domestic Violence Hotline is established by Congress to provide crisis intervention information and referrals to victims of domestic violence and their friends and family.
- The Church Arson Prevention Act is signed in response to an increasing number of acts of arson against religious institutions around the country.
- The Drug-induced Rape Prevention Act is enacted to address the emerging issue of drug-facilitated rape and sexual assault.
- The Office of Juvenile Justice and Delinquency Prevention, within the U.S. Department of Justice, issues the *Juvenile Justice Action Plan*, which includes recommendations for victims' rights and services within the juvenile justice system for victims of juvenile offenders.

1997

- The Crime Victims Fund deposits total \$363 million.
- Congress passes the Victims' Rights Clarification Act of 1997 to clarify existing federal law allowing victims to attend a trial and to appear as "impact witnesses" during the sentencing phase of both capital and non-capital cases. President Clinton signs the Act, allowing the victims and survivors of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City to observe the trial and to provide input later at sentencing.
- A federal victims' rights constitutional amendment is reintroduced in the opening days of the 105th Congress with strong bipartisan support. The Senate and House Judiciary Committees conduct hearings on the proposed federal victims' rights constitutional amendment. While not endorsing specific language, Attorney General Janet Reno testifies at the Senate hearing in support of federal constitutional rights for crime victims.
- To fully recognize the sovereignty of Indian Nations, OVC for the first time provides victim assistance grants directly to tribes in Indian Country.
- Congress enacts a federal anti-stalking law as part of the National Defense Authorization Act for Fiscal Year 1997.
- Due to the large influx of VOCA funds in the previous fiscal year, OVC hosts a series of regional meetings with state VOCA administrators encouraging states to develop multiyear funding

strategies to help stabilize local program funding, expand outreach to previously underserved victims, and support the development and implementation of technologies to improve victims' rights and services.

- OVC continues its support of the victims and survivors of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City by funding additional advocates, crisis counseling, and travel expenses for the bombing victims to attend court proceedings. When the venue of the trial is changed to Denver, Colorado, OVC provides funding for a special closed-circuit broadcast to victims and survivors in Oklahoma City.
- OVC releases *New Directions from the Field: Victims' Rights and Services for the 21st Century*, which assesses the nation's progress in meeting the recommendations set forth in the *Final Report of the 1982 President's Task Force on Victims of Crime* and issues over 250 new recommendations from the field for the next millennium.

1998

- The Crime Victims Fund deposits total \$324 million.
- Senate Joint Resolution 44, a new bipartisan version of a federal victims' rights constitutional amendment, is introduced in the Senate by Senators Jon Kyl (R-AZ) and Dianne Feinstein (D-CA). The Senate Judiciary Committee subsequently approves SJR 44 by an 11-6 vote. No further action is taken on SJR 44 during the 105th Congress.

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- Four new states pass state victims' rights constitutional amendments: Louisiana, Mississippi, Montana, and Tennessee. The Supreme Court of Oregon, however, overturns the Oregon state victims' rights amendment, originally passed in 1996, citing structural deficiencies.
- The Higher Education Amendments of 1998 is passed. Part E of this legislation, "Grants to Combat Violent Crimes Against Women on Campus," is authorized through the year 2003 and appropriates a total of \$10 million in grant funding to the Violence Against Women Grants Office for Fiscal Year 1999. Another primary aim of this legislation is to reduce binge drinking and illegal alcohol consumption on college campuses.
- Congress enacts the Child Protection and Sexual Predator Punishment Act of 1998, providing for numerous sentencing enhancements and other initiatives addressing sex crimes against children, including crimes facilitated by the use of interstate facilities and the Internet.
- Congress passes the Crime Victims with Disabilities Awareness Act, representing the first effort to systematically gather information about the extent of victimization of individuals with disabilities. This legislation directs the Attorney General to conduct a study on crimes against individuals with developmental disabilities. In addition, the Bureau of Justice Statistics must include statistics on the nature of crimes against individuals with developmental disabilities and victim characteristics in its annual National Crime Victimization Survey by 2000.
- The Identity Theft and Deterrence Act of 1998 is signed into law. This landmark federal legislation outlaws identity theft and directs the U.S. Sentencing Commission to consider various factors in determining penalties, including the number of victims and the value of losses to any individual victim. The Act further authorizes the Federal Trade Commission to log and acknowledge reports of identity theft, provide information to victims, and refer complaints to appropriate consumer reporting and law enforcement agencies.
- OVC provides funding to the U.S. Department of State to support the development of a Victim Assistance Specialist position to improve the quality and coordination of services provided to U.S. citizens who are victimized abroad.

1999

- The Crime Victims Fund deposits total \$985 million, the second highest level in the history of the Fund.
- The proposed federal victims' rights constitutional amendment (Senate Joint Resolution 3, identical to SJR 44) is introduced in the 106th Congress.
- The fifth National Victim Assistance Academy is held in June at five university locations across the United States, bringing the total number of Academy graduates to nearly 1,000.
- OVC issues the first grants to create State Victim Assistance Academies.
- The National Crime Victim Bar Association is formed by the National Center for Victims of

Crime to promote civil justice for victims of crime.

2000

- The Crime Victims Fund deposits total \$777 million.
- Congress passes a new national drunk driving limit of 0.08 blood alcohol concentration (BAC) with the strong support of MADD and other victim advocacy organizations, as well as leading highway safety, health, medical, law enforcement, and insurance groups. The new law, passed with strong bipartisan support, requires states to pass 0.08 "per se intoxication" laws or lose a portion of their annual federal highway funding.
- Congress reauthorizes the Violence Against Women Act of 2000, extending VAWA through 2005 and authorizing funding at \$3.3 billion over the five-year period. In addition to expanding federal stalking statutes to include stalking on the Internet, the Act authorizes:
 - > \$80 million a year for rape prevention and education grants;
 - > \$875 million over five years for battered women's shelters;
 - > \$25 million in 2001 for transitional housing programs; and
 - > \$25 million to address violence against older women and women with disabilities.
- The Internet Crime Complaint Center Web site, www.ic3.gov, is created by the U.S. Department of Justice, Federal Bureau of Investigation, and the National White

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Collar Crime Center to combat Internet fraud by giving consumers a convenient way to report violations and by centralizing information about fraud crimes for law enforcement.

- Attorney General Janet Reno revises and reissues the *Attorney General Guidelines for Victim and Witness Assistance*, which mandates that every Department of Justice employee who comes into contact with crime victims receives at minimum one hour of training about victim rights laws and the guidelines.
- Victimization rates as reported in the National Crime Victimization Survey are the lowest recorded since the survey's creation in 1973.
- The Treasury Department conducts the National Summit on Identity Theft, which addresses prevention techniques, victims' experiences, and remediation in the government and private sector. The summit is the first national-level conference involving law enforcement, victims, industry representatives, and nonprofit organizations interested in the issue. At the summit, Treasury Secretary Lawrence Summers unveils four new initiatives to address identity theft.
- A federal victims' rights constitutional amendment is addressed for the first time by the full U.S. Senate. Following two-and-a-half days of debate, the measure (SJR 3) is withdrawn for further consideration by its cosponsors, Senators Kyl (R-AZ) and Feinstein (D-CA), when it becomes apparent that the measure will not receive the two-thirds majority vote necessary for approval.
- Congress passes and the President signs the Trafficking Victims Protection Act of 2000. This new law significantly strengthens criminal enforcement, prosecution, and penalties against traffickers; provides new protections to victims; and enables victims of severe forms of trafficking to seek benefits and services available to other crime victims.

2001

- The Crime Victims Fund deposits total \$544 million.
- The National Crime Victimization Survey results for 2000 are released, showing that victimization rates continue to drop, reaching a new low of 26 million victims.
- On September 11, 2001, two hijacked planes crash into the World Trade Center, another into the Pentagon, and a fourth into a field in Somerset County, Pennsylvania, killing 2,974 victims and injuring countless others in the worst terrorist attacks on American soil.
- Congress and the Administration of President George W. Bush respond to the terrorist acts of September 11 with a raft of new laws providing funding for victim assistance, tax relief for victims, and other accommodations and protections for victims. As part of the Air Transportation Safety and System Stabilization Act, a new federal victim compensation program is created specifically for the victims of September 11. The program includes many types of damages normally available only through civil actions, such as payment for pain and suffering, lifetime lost earnings, and loss of enjoyment of life. To receive compensation, claimants are required to waive their right to bring civil action for damages suffered as a result of the terrorist acts.
- Congress passes and President Bush signs the USA PATRIOT Act of 2001, a package of antiterrorism legislation that includes changes to the Victims of Crime Act (VOCA), including increasing the percentage of state compensation payments reimbursable by the federal government and allowing OVC to fund compliance and evaluation projects.
- OVC augments state victim compensation funding to aid victims of the September 11 terrorist attacks in New York, Virginia, and Pennsylvania; offers assistance to victims of the September 11 terrorist attack on the Pentagon through the Pentagon Family Assistance Center; and establishes a toll-free telephone number and secure Web site for victims and their immediate family members.
- The Child Abuse Prevention and Enforcement Act and Jennifer's Law increase the annual Crime Victims Fund set-aside for child abuse victims from \$10 million to a maximum of \$20 million, and allow the use of Byrne grant funds for the prevention of child abuse and neglect. Jennifer's Law authorizes \$2 million per year through Fiscal Year 2002 for states to apply for grants to cover costs associated with entering complete files of unidentified crime victims into the FBI's NCIC database.
- New regulations, policies, and procedures for victims of trafficking dramatically change the

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response to this class of crime victims by agencies throughout the federal government, including the U.S. Department of State, the U.S. Department of Health and Human Services, and several U.S. Department of Justice agencies (the FBI, the Immigration and Naturalization Service, and U.S. Attorneys' Offices).

2002

- The Crime Victims Fund deposits total \$519 million.
- OVC releases final program guidelines and an accompanying application kit for the Antiterrorism and Emergency Assistance Program for Terrorism and Mass Violence Crimes, which provides funding to compensate and assist victims of terrorism and mass violence that occur within and outside the United States.
- The National Crime Victimization Survey continues to show a decline in crime victimization. Violent crime victimization dropped 10 percent from the previous year, and property crime dropped 6 percent.
- President Bush attends the presentation of the National Crime Victims' Rights Week awards and announces the Administration's support for the proposed Crime Victims' Rights Amendment to the U.S. Constitution.
- The National Association of VOCA Assistance Administrators (NAVAA) is established. With OVC support, NAVAA provides technical assistance and training to state VOCA assistance administrators.
- OVC makes available the first Helping Outreach Programs to

Expand grants to grassroots, nonprofit, community-based victim organizations and coalitions to improve outreach and services to victims of crime through the support of program development, networking, coalition building, and service delivery.

- Congress appropriates approximately \$20 million to fund services to trafficking victims, including shelter, medical and mental health care, legal assistance, interpretation, and advocacy.
- President Bush hosts the first White House Conference on Missing, Exploited, and Runaway Children and announces his strong support for the Hutchison-Feinstein National AMBER Alert Network Act of 2002, which would help develop, enhance, and coordinate AMBER (America's Missing: Broadcast Emergency Response). The Assistance Attorney General for the Office of Justice Programs is designated as the National AMBER Alert Coordinator at the Department of Justice.
- By the end of 2002, all 50 states, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and Guam have established crime victim compensation programs.
- *Our Vulnerable Teenagers: Their Victimization, Its Consequences, and Directions for Prevention and Intervention* is released by the National Council on Crime and Delinquency and the National Center for Victims of Crime. This landmark report documents the disproportionate representation of teenagers, ages 12 to 19, as victims of crime, and discusses promising prevention and intervention strategies.

2003

- The Crime Victims Fund deposits total \$361 million.
- The Senate Judiciary Committee passes the federal victims' rights constitutional amendment to ensure basic rights to victims nationwide.
- Congress makes the Office on Violence Against Women (formerly the Violence Against Women Office within the Office of Justice Programs) a permanent, independent office within the U.S. Department of Justice.
- Congress passes and President Bush signs the PROTECT Act of 2003—also known as the "Amber Alert" law—which creates a national AMBER network to facilitate rapid law enforcement and community response to kidnapped or abducted children.
- The American Society of Victimology (ASV) is established at the first American Symposium on Victimology held in Kansas City, Kansas. The ASV serves as a forum for academicians and practitioners on all topics related to victimology in partnership with the World Society of Victimology.
- The Prison Rape Elimination Act of 2003 is enacted to track and address the issue of rape in correctional institutions and develop national standards aimed at reducing prison rape.
- Congress establishes January as National Stalking Awareness Month.
- The National Domestic Violence Hotline, operated by the Texas Council on Family Violence, receives its one millionth call.

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- The United States Postal Service releases the Stop Family Violence postage stamp to raise money for domestic violence prevention programs.
- Congress appropriates \$22 million for the U.S. Department of Defense's Family Advocacy Program, \$900,000 of which is for the National Domestic Violence Hotline Awareness, Intervention, and Prevention Campaign in the military services.
- The Fair and Accurate Credit Transactions Act of 2003 is enacted to provide new protections against identity theft and help victims of identity theft recover their financial losses.
- Congress passes and President Bush signs the Trafficking Victims Protection Reauthorization Act. Along with reauthorizing programs created under the first TVPA, this legislation strengthens prevention efforts, supports prosecution of offenders, simplifies the process by which victims are certified eligible for benefits, and allows benefits and services to be available for victims' family members who are legally allowed to come to the United States. The legislation also creates a civil cause of action for victims of forced labor or forced prostitution.

2004

- The Crime Victims Fund deposits total \$834 million, the third highest level in the history of the Fund.
- The U.S. Department of Defense Task Force on Care for Victims of Sexual Assault releases its report and recommendations for preventing sexual assault in the military and providing a sensitive response

to victims. The recommendations include establishing a single office within the U.S. Department of Defense to handle sexual assault matters, launching an information campaign to inform personnel about services available to victims, and convening a summit to update the definition of sexual assault and address victim privacy concerns within the military context.

- The Identity Theft Penalty Enhancement Act is enacted, defining aggravated identity theft as stealing another person's identity in connection with the commission of other specified felonies. The legislation also prohibits the court from ordering an offender's sentence for identity theft to run concurrently with a sentence imposed on the same offender for any other crime.
- Congress passes and President Bush signs the Justice for All Act of 2004, which includes the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act, providing substantive rights for crime victims. For the first time, the law provides mechanisms at the federal level to enforce the rights of crime victims, giving victims and prosecutors legal standing to assert victims' rights, authorizing the filing of writs of mandamus to assert a victim's right, and requiring the Attorney General to establish a victims' rights compliance program within the Department of Justice. The legislation authorizes \$155 million in funding over the next five years for victim assistance programs at the federal and state level. This omnibus crime legislation also provides funding for DNA testing,

crime labs, sexual assault forensic examiners, and programs for post-conviction DNA testing.

- President Bush hosts the first national training conference on human trafficking, which brings together trafficking response teams of federal, state, and local law enforcement personnel, prosecutors, and victim service providers from at least 21 cities with a known concentration of trafficking victims. The conference emphasizes the importance of combating trafficking using a victim-centered approach.
- The National Center for Victims of Crime releases *Repairing the Harm: A New Vision for Crime Victim Compensation in America*, a landmark report that examines compensation data from all 50 states, the September 11th Victim Compensation Fund, and compensation programs in other countries. The report also provides a framework for strengthening victim compensation in the United States.

2005

- The Crime Victims Fund deposits total \$668 million.
- The U.S. Department of Justice establishes an online national sex offender registry that provides real-time access to public sex offender data nationwide with a single Internet search.
- OVC and the Bureau of Justice Assistance initiate a landmark program to establish teams of law enforcement task forces and victim services to respond to human trafficking. The primary goals of this program are to develop sustainable programs to combat

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human trafficking through proactive law enforcement and prosecution at all levels of government, to coordinate U.S. Attorneys' Offices' efforts, to collaborate with victim service providers, and to increase the identification and rescue of trafficking victims.

- The U.S. House of Representatives establishes the first congressional Victims' Rights Caucus, chaired by Congressman Ted Poe (R-TX). The mission of the Caucus is to elevate crime victim issues in Congress in a bipartisan manner, without infringing on the rights of the accused, and advocate for crime victims' interests before the Administration and within Congress.
- The Department of Justice announces more than \$84 million in DNA grants nationwide as part of President Bush's Advancing Justice Through DNA Technology initiative. The initiative is designed to improve the nation's capacity to use DNA evidence by eliminating casework and convicted offender backlogs, funding research and development, improving crime lab capacity, providing training for all stakeholders in the criminal justice system, and conducting testing to identify missing persons.
- Attorney General Alberto Gonzalez issues updated *Attorney General Guidelines for Victim and Witness Assistance*. The guidelines incorporate provisions for crime victims' rights and remedies, including those in the Justice for All Act, which had been entered since the publication of the last edition. The guidelines also address victim and witness assistance in human trafficking and identity theft cases.
- The National Association of VOCA Assistance Administrators releases the *Crime Victims Fund Report*, which highlights the Crime Victims Fund's contribution to the federal government's efforts to assist victims, analyzes the sources of deposits into the Fund, examines the issues involved in administering the Fund, and explores future challenges to the Fund's capacity to meet victims' needs.
- The American Bar Association releases *Elder Abuse Fatality Review Teams: A Replication Manual*, developed by the ABA Commission on Law and Aging and funded by OVC. This groundbreaking manual provides guidance to communities on establishing elder abuse fatality review teams that review deaths caused by or related to elder abuse.
- The U.S. Department of Justice issues its Final Rule implementing the victims' rights compliance provisions of the Crime Victims Rights' Act portion of the Justice for All Act. The rule establishes the office of the Victims' Rights Ombudsman within the Executive Office for United States Attorneys (EOUSA) to receive and investigate complaints relating to the provision or violation of the rights of crime victims. The rule establishes procedures for filing complaints, investigating complaints, and imposing disciplinary sanctions against employees when warranted.
- The U.S. Department of Defense announces a new sexual assault policy. The policy creates a military-wide definition of sexual assault, sets a baseline standard for prevention and response training for the armed services,

and requires all military installations to have a sexual assault response coordinator with a staff of victim advocates. The policy also requires the establishment of a senior level of command to handle sexual assault cases and review any administrative discharges of sexual assault victims.

2006

- The Crime Victims Fund deposits total \$650 million.
- Congress passes and President Bush signs the Violence Against Women and Department of Justice Reauthorization Act of 2005. This extension of the Violence Against Women Act includes provisions for early intervention, prevention, and health care, and promotes a national commitment to keep women and children safe from fear and abuse.
- Congress passes and President Bush signs the Trafficking Victims Protection Reauthorization Act of 2005. This law expands the Trafficking Victims Protection Act of 2000 by enhancing efforts to fight domestic trafficking in persons.
- During the National Crime Victims' Rights Week ceremony, OVC awards the first Ronald Wilson Reagan Public Policy Awards to honor outstanding individuals whose leadership, vision, and innovation have led to significant changes in public policy and practice that benefit crime victims.
- President Bush signs the Adam Walsh Child Protection and Safety Act of 2006. Along with increasing supervision of sex offenders, this wide-ranging legislation also extends the federal Crime Victims'

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Rights Act. A federal habeas corpus proceeding arising out of state convictions, eliminates the statute of limitations for federal prosecution of certain sexual offenses and child abduction, as well as extends the civil remedy for child sex crime victims to persons victimized as children, even if their injuries did not surface until the person became an adult.

- Attorney General Alberto Gonzales launches Project Safe Childhood, aimed at eliminating Internet-based child sexual exploitation. This nationwide project creates locally designed partnerships of federal, state, local, and tribal law enforcement agencies together with community leaders to develop a coordinated strategy to prevent, investigate, and prosecute sexual predators, abusers, and pornographers who target children. All U.S. Attorneys are charged with taking the lead in designing a strategic plan for their community.
- The United States Court of Appeals for the Ninth Circuit decides *Kenna v. U.S. District Court for the Central District of California*, in which the court considered whether the Crime Victims' Rights Act portion of the Justice for All Act gave victims the right to speak at sentencing hearings. The case involved a father and son who swindled dozens of victims. The defendants pled guilty to wire fraud and money laundering. More than 60 victims submitted victim impact statements. At the father's sentencing hearing, several victims spoke about the effects of the crimes, but at the son's sentencing the judge refused to allow the victims to speak. The court held that the district judge had made a

mistake, and made three important points: (1) in passing the Crime Victims' Rights Act, it was the intent of Congress to allow victims to speak at sentencing hearings, not just to submit victim impact statements; (2) victims have a right to speak even if there is more than one criminal sentencing; and (3) the remedy for a crime victim denied the right to speak at a sentencing hearing is to have the sentence vacated and a new sentencing hearing held in which the victims are allowed to speak.

- The Department of Justice issues its final rule implementing the new International Terrorism Victim Expense Reimbursement Program (ITVERP). This new federally-administered program extends crime victim compensation to American victims of terrorism abroad, reimbursing them for direct, out-of-pocket expenses resulting from an act of terror.
- President Bush signs the Older Americans Act Reauthorization (OAA), which includes a number of victim-related provisions. It requires the Assistant Secretary on Aging at the U.S. Department of Health and Human Services to designate an individual to develop a long-term plan for a national response to elder abuse prevention, intervention, and treatment activities. The new law improves access to programs and services under OAA by addressing the needs of older individuals with limited English proficiency; promotes multidisciplinary responses to elder abuse, neglect, and exploitation by states and Indian tribes; and preserves the long-term care ombudsman program.

2007

- For the first time ever, the Crime Victims Fund deposits surpass a billion dollars, totaling \$1.02 billion.
- Attorney General Alberto Gonzales and Federal Trade Commission Chairman Deborah Platt Majoras release the President's Identity Theft Task Force strategic plan to combat identity theft. Task Force recommendations include reducing the unnecessary use of Social Security Numbers by federal agencies; establishing national standards requiring private entities to safeguard the personal data they compile and to notify consumers of any breach that poses a significant risk of identity theft; implementing a consumer awareness campaign; and creating a National Identity Theft Law Enforcement Center to coordinate law enforcement efforts and information to improve the investigation and prosecution of identity thieves.
- OVC announces the first payments of the ITVERP program to U.S. victims of international acts of terrorism. Applications have been processed and reimbursement payments made to victims of the 1998 U.S. Embassy bombings, in Nairobi, Kenya, and Dar es Salaam, Tanzania; the October 2002 Bali, Indonesia, night club bombing; the May 2003 bombing of expatriate housing in Riyadh, Saudi Arabia; and the 2003 airport bombing in Davao City, Philippines.
- House and Senate Resolutions establishing September 25 as the National Day of Remembrance for Murder Victims coincide with the first annual national event held on Capitol Hill. ■

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

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 Bill Version: HCR 21A
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title Supporting the National Crime Victims' Week RDU _____
 Component _____
 Sponsor Representative Stoltze
 Requester House Judiciary Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jane Pierson, Committee Aide
 Division: House Judiciary Committee
 Approved by: Representative Ramras
 Agency: Chairman

Phone (907) 465-4990
 Date/Time 1/28/08 4:20 PM
 Date 2/13/2008

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 6, 2008

FURTHER REFERRALS:

Date of Committee Action: 2/13/08

The JUDICIARY Committee considered:

HCR 21

HOUSE CONCURRENT RESOLUTION NO. 21

2008 NATIONAL CRIME VICTIMS' RIGHTS WEEK

Supporting the National Crime Victims' Rights Week of 2008.

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 CO:
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
HJUD				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Greenberg	-			
	L'AM	X			
	Exhibit	X			
	Holmes	X			
Chair:	RAMRAS	X			
Chair:					