



**C.A.R.E.<sup>SM</sup>**

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## What you should know about your rights as a victim of crime...

An amendment to the South Carolina Constitution was passed on January 22, 1998 at 1:50 p.m. This important legislation was the result of the hard work of many whose efforts gave victims the ability to be active participants in all phases of the criminal justice process after a crime has been committed.

Specifically, Article I, Section 24(A) states:

To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

- (1) be treated with fairness, respect, and dignity, and to be free from intimidation harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;
- (2) be reasonably informed when the accused or convicted is arrested, released from custody, or has escaped;
- (3) be informed of and present at any criminal proceedings which are held to decide the final outcome of a court case where the defendant has the right to be present;
- (4) be reasonably informed of an allowed to submit either a written or oral statement at all hearings affecting bond or bail;
- be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;
- (6) be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
- (7) confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;
- (8) have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;
- (9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;
- (10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;
- (11) a reasonable disposition and prompt and final conclusion of the case;
- (12) have all rules governing criminal procedure and admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

(B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, and a willful failure to comply with a writ of mandamus is punishable as contempt.

### C.A.R.E. Mission Statement

*Safeguarding the rights of victims, so that their voices may be heard, their choices valued, and their recovery process may become a constructive reclamation of life.<sup>SM</sup>*

**COLLEGE of  
CHARLESTON**

C.A.R.E. VICTIM ASSISTANCE