

# NORTH CAROLINA VICTIM ASSISTANCE NETWORK

## NORTH CAROLINA CRIME VICTIMS' RIGHTS ACT COMPARISON CHART

The North Carolina Crime Victims' Rights Act (CVRA) has set forth state constitutional rights to be afforded to crime victims which provide them with services and information as they move through the criminal and judicial legal processes. However, in the previous CVRA, notification methods were not defined and compliance enforcement was not included for crime victims. This chart offers a quick comparison of our current CVRA (Marsy's Law) to our previous CVRA so that you can better grasp what has changed from then to now.

2019 CVRA	1998 CVRA
A victim has a right "to be reasonably heard <u>at any court proceeding involving the plea, conviction, adjudication, sentencing, or release of the accused.</u> "	A victim has the right to be reasonably heard at sentencing of the accused "in a manner and at other times <u>as prescribed by law or deemed appropriate by the court.</u> "
If the victim is a minor or is legally incapacitated, <u>a parent, guardian, or legal custodian may assert all of the minor's victim rights.</u>	When a victim is mentally or physically incompetent or when the victim is a minor, the victim's rights may be exercised by the victim's next of kin or legal guardian.
A victim has the right to receive notifications from the DA's office in a <u>reasonable, accurate, and timely method: electronically, by phone, or otherwise requested.</u>	All notices by the district attorney's office shall be given in a manner that is <u>reasonably calculated to be received prior to the date of the court proceeding</u>
Crime victims of an act of delinquency, that is against or involving the person of the victim or is equivalent to a felony property crime are afforded rights	No specific rights afforded to victims of crimes by a juvenile defendant.
A victim may allege a <u>violation</u> of his or her victim's rights by a three step method: <b>1)</b> victim seeks to reasonably resolve the alleged violation initially with the violating agency; <b>2)</b> if unsolved, then by motion to the clerk of superior court; <b>3)</b> finally if still unresolved, then by appeal to the NC Court of Appeals	No specific enforcement process was afforded to victims of crime who alleged a violation of their victim rights.
Felony crimes against a person have been expanded. Felony property crimes have been included. Serious misdemeanors have been expanded if the elements of the offense involves communicating a threat or stalking.	Victims of specific felony crimes and serious misdemeanor offenses were afforded rights when the offense was committed between persons who have a personal relationship
Division of Community Corrections/ Adult Correction and Juvenile Justice have responsibilities to crime victims associated with the post trial sanctions	Only Division of Community Corrections/Adult Correction was responsible for post trial rights for victims of crime.
A person who is a victim of a human trafficking offense is entitled to benefits and services. A person who is a victim of and/or witness to a sexual assault shall not be required to submit to a polygraph examination in order to have an investigation conducted into the matter	There were no specific rights afforded to victims of human trafficking offenses. In NC Statute, polygraph examinations of specific crime victims contained limited responsibilities but no specific rights.

**Remember:** Victims must "request" or "opt-in" to receive their rights. This means that when the District Attorney's Office informs you of your rights, you must in return communicate to the District Attorney's Office that you want to exercise all of your rights, some of your rights, or none of your rights.