

Marsy's Law Assert and Waive Table

revised: April 8, 2018

Victim: _____

Defendant and case #: _____

Victim authorized completion of this sheet by electronic means on date: _____

Marsy's Law right, Article 1, Section 25, ND Constitution ¹	Assert	Waive
a. The right to treatment with fairness and respect for dignity.		
b. The right to freedom from intimidation, harassment, and abuse.		
c. The right to reasonably protection from the accused and agents of accused.		
d. The right to consideration of the safety and welfare of the victim and the victim's when setting bail or making release decisions.		
e. The right to prevent disclosure of information that: -could be used to locate or harass the victim or victim's family -could disclose confidential or privileged information about the victim -to be notified of any request for such information or records*		
*Most defendants request the victim's name and address. In order to continue with a criminal prosecution, the State must disclose your name and address before the preliminary hearing. You are entitled to assert your Marsy's rights and refuse to disclose your name and address. But that refusal conflict's with the defendant's rights. The state's failure to refusal to provide the identity and address of the victims will likely result in a situation where the state cannot proceed with the prosecution.		
<i>I authorize use of my full name in the affidavit of probable cause advanced to the court with the criminal charge</i>		
<i>I authorize use of my full name in any disclosure the prosecution makes to the defense</i>		
<i>I authorize use of my full name in any bail order or order prohibiting contact</i>		
<i>I authorize use of the full name of my minor children in any bail order or order prohibiting contact</i>		
<i>I authorize use of my full name in any probation condition prohibiting contact</i>		

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<i>I authorize use of the full name of my minor children in any probation condition prohibiting contact</i>		
f. The right to privacy -refuse interview, deposition, or other discovery request made by the defendant -to set reasonable conditions on interaction with the defendant -Nothing in this section shall abrogate a defendant's sixth amendment rights under the Constitution of the United States nor diminish the state's disclosure obligations to a defendant.		
g. The right to reasonable, accurate, and timely notice of, and to be present at, all proceedings involving criminal or delinquent conduct, including release, plea, sentencing, adjudication, and disposition, and any proceeding during which a right of the victim is implicated.		
h. The right to prompt notice of the accused's release or escape.		
I. The right to be heard at any proceeding involving release, plea, sentencing, adjudication, disposition, or parole and any proceeding in which right of the victim is implicated.		
j. The right, upon request, to confer with the attorney for the government.		
k. The right to provide information on the impact of the offender's conduct on the victim and the victim's family to the person compiling the presentence investigation.		
l. The right, upon request, to receive a copy of any report of record relevant to the exercise of a victim's right, except for those portions made confidential by law or unless a court determines disclosure would substantially interfere with the investigation of a case, and to receive a copy of any presentence report or plan of disposition when available to defendant or delinquent child.		
m. The right to prompt return of victim's property when no longer needed as evidence.		
n. The right to full and timely restitution.		
o. The right to proceedings free from unreasonable delay, and to prompt and final conclusion of the case and any related post-judgment proceedings.		
p. The right, upon request, to be informed of the conviction, adjudication, sentence, disposition, release date, and release or escape of the offender.		

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q. The right, upon request, to be informed of all post-judgment processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole authority shall extend the right to be heard to any person harmed by the offender.		
r. The right, upon request, to be informed in a timely manner of pardon, commutation, reprieve, or expungement procedures, to provide information to the governor, the court, any pardon board, and have this information considered before the decision is made, and to be notified of such decision in advance of any release of the offender.		
s. The right to be informed of these rights, and to be informed that the victims can seek the advice of an attorney with respect to their rights. This information shall be made available to the general public and provided to all crime victims in what is referred to as a Marsy's Card.		

Victim's signature: _____
date

1. Right's as printed herein may be in abridged language. The full text of Article 1, Section 25 of the North Dakota Constitution may be found at: <http://www.legis.nd.gov/constit/a01.pdf>