

Crime Victims' Bill of Rights

Question: *Do I, as a victim in a criminal case, have to talk with the defense attorney?*

Answer: The Georgia Crime Victims' Bill of Rights says that you have the right to agree to or refuse to submit to an interview by the accused (offender), the accused's (offender's) attorney, or an agent (anyone representing or contacting you on behalf of) of the accused (offender).

The Official Code of Georgia, Title 17, Chapter 17, Section 8.1 reads as follows:

OCGA 17-17-8.1:

(a) A victim shall have the right to refuse to submit to an interview by the accused, the accused's attorney, or an agent of the accused. It shall be the duty of the prosecuting attorney to advise a victim that he or she has the right to agree to such an interview or to refuse such an interview.

(b) If a victim agrees to be interviewed, such victim may set conditions for such interview as he or she desires. Conditions may include, but shall not be limited to, the time, date, and location of the interview, what other persons may be present during the interview, any security arrangements for the interview, and whether or not the interview may be recorded. If requested by a victim, the prosecuting attorney or his or her agent may attend the interview. A victim has the right to terminate the interview at any time or to refuse to answer any question during the interview.

(c) The accused, the accused's attorney, and any agent of the accused shall not contact a victim in an unreasonable manner; and if a victim has clearly expressed to any such party a desire not to be contacted, no contact shall be made. When making any permissible contact with the victim, the accused's attorney or an agent of the accused shall make a clear statement that he or she is contacting the victim on behalf of the accused.

(d) For the purposes of this Code section, a peace officer shall not be considered a victim if the act that would have made the officer a victim occurs while the peace officer is acting within the scope of the officer's official duties.

(e) Except as provided in this Code section, the prosecuting attorney shall not take any action to deny an accused's attorney access to a victim for the purpose of interviewing such victim.

Should you wish to speak with someone in the Prosecutor's Office about this, please contact the advocate assigned to your case.

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Answer: The Georgia Crime Victims' Bill of Rights says that you have the right to agree to or refuse to submit to an interview by the accused (offender), the accused's (offender's) attorney, or an agent (anyone representing or contacting you on behalf of) of the accused (offender).

I, _____ (please print name),
_____ do _____ do not wish to speak to anyone representing or contacting me on behalf the defendant in the case listed below. I do understand that I can change this decision at any time. This request applies to me as an adult and to any minor children of whom I have custody who may be a victim or a witness in this case.

Victim's Signature

Date

RE: State of Georgia vs. _____
Name of accused

Warrant Number / Case Number _____
(if you know it)

If you complete this form, mail or fax it to:
Victim-Witness Assistance Program
Office of District Attorney
P.O. Box 2309
Savannah, GA 31402
Fax (912) 652-7321
Phone (912) 652-7329