

MISSISSIPPI CRIME VICTIMS BILL OF RIGHTS

SECTION 26A IN ARTICLE 3 OF THE MISSISSIPPI CONSTITUTION OF 1890 GIVES THE FOLLOWING RIGHTS TO VICTIMS OF VIOLENT CRIME:

Victims of crime, as defined by law, shall have the right to be treated with fairness, dignity and respect throughout the criminal justice process; and to be informed, to be present and to be heard, when authorized by law during public hearings. To implement the constitutional amendment, the Mississippi legislature passed the victims' bill of rights, which provides certain rights to victims;

- To be notified of all charges filed against any person for the crime committed;
- To be notified of any criminal proceedings, other than the initial appearance, as soon as practicable, and of any changes that may occur;
- To talk with the prosecutor prior to the final disposition of your case, including giving your views on any nol pros (dismissal), reduction of charge, sentence, recommendation and pretrial diversion programs;
- To talk with the prosecutor prior to the beginning of the trial;
- To receive a transcript of the trial at your own cost;
- To have the trial held without unreasonable delay;
- The trial judge, in determining whether to grant a continuance, should make every reasonable effort to consider what effect granting the continuance would have on the victim;
- To be present throughout all criminal proceedings, including any hearings, arguments or other matters scheduled by and held before a judge, but not including lineups, grand jury hearings or any other matters not held in the presence of the judge;
- To be provided a waiting area at trial separate from the defendant, his relatives and his witnesses. If a separate waiting room is not available or its use is impractical, the judge is to do what is possible to minimize contact of the victim with the defendant, his relatives or defense witnesses;
- To have the prosecutor petition the court that you or any other witness not be compelled to testify at any pretrial proceeding or at trial to any facts concerning your identity, residence or place of employment that could put you in danger if you have been threatened with physical violence or intimidated by the defendant or anyone connected with him or her;
- To be present at any proceeding where the defendant is going to enter a guilty plea and be sentenced. The judge

cannot accept a guilty plea unless you are present or the prosecutor can assure the judge that every reasonable effort has been made to contact you and notify you of your right to be present. At the hearing, the victim has the right to present to the judge an impact statement or any information about the criminal offense or the sentence;

- To be given the date of a conviction, acquittal or dismissal of the charges. To be given, after a conviction, information about the function of a pre-sentence report and the name, address and telephone number of the probation officer preparing this report for the judge and about the right of the defendant to view the pre-sentence report;
- To make an oral or written impact statement to the probation officer preparing the pre-sentence report for the judge. In making his report, the probation officer will consider the economic, physical and psychological impact of the crime on the victim and the victim's family;
- To be present at sentencing and to give the judge an impact statement or any information that concerns the criminal offense or the sentence;
- To be informed as soon as practicable of the sentence imposed on the defendant;
- To be given the names, addresses and telephone numbers of the appropriate agencies and departments to whom further requests for notice should be provided;
- To be given by the Attorney General's Office or the District Attorney, information about the status of any appellate proceeding and any appellate decisions within five (5) business days after the status is known or the decision issued;
- To be told when the defendant is released, if he or she is allowed to post bond after conviction, pending an appeal;
- To be notified of any escape and subsequent recapture of the defendant;
- To have any property belonging to you that was taken during the investigation returned as soon as possible. If the property is necessary evidence, the prosecuting attorney may ask to be allowed to substitute photographs where possible;
- To be notified within fifteen (15) days prior to the end of the sentence of the date the prisoner is to be released and to be notified of any medical release or of the death of the prisoner;
- To be notified that you may submit a written statement, audio or video recording to be placed with the prisoner's records and considered at any review for community status of the prisoner or prior to release of the prisoner;
- To be notified and allowed to submit a written or recorded statement when any parole or pardon is to be considered;
- To testify at a criminal proceeding or participate in the preparation of the trial without any loss of employment, intimidation of threat or fear of the loss of employment;

These rights do not include the right to direct the prosecution. The district attorney, city attorney or county attorney has the responsibility to prosecute criminal cases.

They will decide how the case will be handled, but they will confer with you and will consider your wishes and your needs. Additionally, the exercise of these rights is at your discretion. The absence of the victim at a proceeding will not prevent the court from going forward.

The duty of the prosecutor is to make reasonable attempts to inform; you must do your part by keeping the prosecutor informed of any changes in your name, address or telephone number.

**Greenville Office**  
P.O. Box 426  
Greenville MS 38702  
[P] 662.378.2105  
[F] 662.332.4665  
[generalinfo@msdeltada.com](mailto:generalinfo@msdeltada.com)

**Indianola Office**  
P.O. Box 1046  
Indianola, MS 38751  
[P] 662.887.4306  
[F] 662.887.6275  
[generalinfo@msdeltada.com](mailto:generalinfo@msdeltada.com)

**Greenwood Office**  
P.O. Box 253  
Greenwood, MS 38935  
[P] 662.453.1089  
[F] 662.451.7291  
[generalinfo@msdeltada.com](mailto:generalinfo@msdeltada.com)

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Office of the  
DISTRICT ATTORNEY  
4TH DISTRICT



Crime  
VICTIM  
Compensation

*Easing the aftermath of crime*

W. DEWAYNE RICHARDSON  
& STAFF

SERVING WASHINGTON, LEFLORE & SUNFLOWER COUNTIES

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*The mission of the District Attorney’s Office for the Fourth Circuit Court, under the direction of W. Dewayne Richardson,* is to seek justice in order to maintain an environment of safety, security and lawful behavior for the citizens of the Fourth District.

The Office of the District Attorney uses lawful and reasonable methods to successfully identify and prosecute those who commit felony crimes.

When a crime occurs, the Office of the District Attorney diligently pursues the indictment and conviction of those responsible, while adhering to all rights of the Victim, ensuring the Victim is being provided all direct services applicable and acknowledging all Constitutional safeguards for the accused.

The District Attorney’s Office for the Fourth District’s goal is to work with law enforcement and the judiciary to punish those who break our laws with adequate punishment. Every representative of the Office of the District Attorney pledges their commitment and full support to the protection of all citizens within the Fourth Circuit Court District.

MISSISSIPPI CRIME VICTIM COMPENSATION ACT  
- MISS. CODE ANN. §99-41 -1 ET. SEQ.

If you or your family has been a victim of a violent crime and have financial losses resulting from the injuries that are not covered in full by insurance or any other source, the Crime Victim Compensation Program may be of some assistance to you.

A single violent crime can have a profound impact on a person’s life, resulting in serious physical injury, psychological trauma; absence from work and other financial strains.

While no amount of financial aid can erase the trauma of crime, it is the goal of this program to ease the aftermath of crime for the victim whenever possible.

HOW DO I QUALIFY?

- Must report the crime to law enforcement officials within 72 hours or show good cause for not reporting;
- Application must be received within 36 months after the date of the crime;
- In cases of child sexual abuse, the application must be received within 36 months after the crime was reported;
- Must cooperate with law enforcement investigation and prosecution;
- Must not have contributed, provoked or in any way caused the injury or death; and
- All other available sources of payment such as insurance,

Medicaid, Medicare, disability benefits and Workers’ Compensation must pay first.

WHO DOES NOT QUALIFY?

- A victim/claimant who engaged in illegal conduct;
- The offender and/or accomplice to the offender;
- Anyone injured in a motor vehicle incident unless the vehicle was used by the offender (1) intentionally as a weapon, (2) in a hit & run, (3) while driving under the influence (DUI,) or (4) in an attempt to flee from law enforcement;
- Anyone incarcerated in a penal institution when the crime occurred;
- A victim/claimant who, after the injury on which this claim is based, is convicted of any felony and the conviction becomes known to the Division; and
- A victim/claimant who has previous felony convictions.

ELIGIBLE EXPENSES

- Medical expenses not covered by other sources, up to \$15,000 per claim;
- Transportation costs to obtain medical and/or mental health services that are at least 45 miles one way from the victim/claimant’s residence, up to \$500 per claim;
- Mental health counseling for the victim family members, up to \$3,500 per claim;
- Lost wages for the victim, up to \$600 per week for 52 weeks; not to exceed \$20,000 per claim;
- Funeral expenses, up to \$6,500 and transportation costs to make arrangements or to attend funeral, up to \$800 per claim;
- Lost wages for claimant to make arrangements to attend funeral, up to \$600 per claim for one week;
- Loss of support for dependents of a deceased victim, up to \$600 per week for 52 weeks, not to exceed \$20,000 per claim;
- Domestic Violence Relocation Assistance, up to \$2,000 one-time benefit. \*To request this benefit, an application and other required documents must be submitted within 30 days from the date of the crime.
- Domestic Violence Temporary Housing Assistance, up to \$500 one-time benefit. \*To request this benefit an application and other required documents must be submitted within 30 days from the date of the crime.
- Court related travel reimbursement, up to \$1,000 per claim;
- Repair/replacement costs for damaged windows, locks, doors and/or other security devices for residential dwelling, up to \$500 per claim; and
- Crime scene cleanup, up to \$1,000 per claim.

WHO MAY BE ELIGIBLE?

- Individual must be the victim of a violent crime who has suffered personal injury, death or extreme psychological trauma as a result of the crime. Types of crimes include: assault, hit & run, homicide, sexual assault, domestic violence, DUI crashes, vehicular homicide, stalking, child abuse and kidnapping;
- Dependents of a deceased victim;
- Persons authorized to act on behalf of the victim or dependents of a deceased victim;
- Family members of the victim who have funeral expenses related to the claim;
- A Mississippi resident who is a victim of a violent crime in a foreign country which does not provide crime victim compensation; and
- A person who witnessed a violent crime.

To obtain a Crime Victim Compensation application or receive additional information, contact:  
Mississippi Attorney General’s Office  
Crime Victim Compensation Division  
Post Office Box 220  
Jackson, MS 39205-0220  
1-800-829-6766 • 601-359-6766  
(Fax) 601-576-4445  
Online - [ago.state.ms.us](http://ago.state.ms.us)

**What’s not covered?**

- Stolen and/or damaged property;
- Payment for pain and suffering;
- Attorney’s fees; and
- Expenses paid by an insurance plan, public fund’s the offender or other sources

**How do I apply?**

- Fill out a compensation application and have it notarized; and
- Mail application and bills/expenses to the program.

**Maximum Award is \$20,000**  
*Benefits, maximums & eligibility requirements differ for crimes occurring before July 1, 2007*

**Victim Assistant Program**

Additional services are provided through the Attorney General’s Office, Victim Assistance Program. Services include information and referral, victim advocacy and court related services. For more information about the Victim Assistance Program, call: 1.800.829.6766 or 601.359.4144.

REQUEST TO EXERCISE VICTIMS’ RIGHTS

FOR VICTIM TO SIGN:

I, \_\_\_\_\_ victim of the crime  
(victim)

of \_\_\_\_\_ committed on  
(crime committed)

\_\_\_\_\_ In \_\_\_\_\_  
(date) (city, county)

request that I be given all rights provided in the Victim Bill of Rights, Miss. Code Ann. §99-43-1 et. seq. I understand that it is my responsibility to provide the prosecutor with any change in my name, address or telephone number in order to continue to exercise these rights.

FOR VICTIM REPRESENTATIVE TO SIGN

I, \_\_\_\_\_ representative of  
(victim representative)

\_\_\_\_\_ who was the  
(victim)

victim of the crime of \_\_\_\_\_  
(crime committed)

committed on \_\_\_\_\_  
(date)

in \_\_\_\_\_  
(city, county)

request that on behalf \_\_\_\_\_  
(victim)

the Victims’ Bill of Rights, Miss. Code Ann. §99-43-1 et. seq. I understand that it is ITT) responsibility to provide the prosecutor with any change in my name, address or telephone number in order to continue to exercise these rights.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City) (State)

\_\_\_\_\_  
(Telephone Numbers)