



Select Victims' Rights – Alabama

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Alabama and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Alabama see the companion resource: *Law Enforcement-Based Victim Services in Alabama: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising

practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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¹ This table of contents and index of rights provides specific page references for many of the victims’ rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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SELECT DEFINITIONS	Alabama Statutes
<p>Crime Victims' Rights Definitions.</p> <p>As used in this article, the following words shall have the following meanings:</p> <p>(1) ACCUSED. A person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial.</p> <p>(2) APPELLATE PROCEEDING. An oral argument held in open court before the Alabama Court of Criminal Appeals, the Supreme Court of Alabama, a federal court of appeals, or the United States Supreme Court.</p> <p>(3) ARREST. The actual custodial restraint of a person or his or her submission to custody.</p> <p>(4) COMMUNITY STATUS. Extension of the limits of the places of confinement of a prisoner through work release, supervised intensive restitution (SIR), and initial consideration of pre-discretionary leave, passes, and furloughs.</p> <p>(5) COURT. All state courts including juvenile courts.</p> <p>(6) CRIME VICTIM ADVOCATE. A person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment, or other supportive assistance to crime victims.</p> <p>(7) CRIMINAL OFFENSE. Conduct that gives a law enforcement officer or prosecutor probable cause to believe that a felony involving physical injury, the threat of physical injury, or a sexual offense, or any offense involving spousal abuse or domestic violence has been committed.</p>	<p>Ala. Code § 15-23-60.</p>

<p>(8) CRIMINAL PROCEEDING. A hearing, argument, or other matter scheduled by and held before a trial court but does not include a lineup, grand jury proceeding, or other matter not held in the presence of the court.</p> <p>(9) CUSTODIAL AGENCY. A municipal or county jail, the State Department of Corrections, juvenile detention facility, Department of Youth Services, the Board of Pardons and Paroles, or a secure mental health facility having custody of a person who is arrested or is in custody for a criminal offense.</p> <p>(10) DEFENDANT. A person or entity that is formally charged by complaint, indictment, information, or petition, of committing a criminal offense.</p> <p>(11) FINAL DISPOSITION. The ultimate termination of the criminal prosecution of a defendant by a trial court, including dismissal, acquittal, or imposition of a sentence.</p> <p>(12) IMMEDIATE FAMILY. The spouse, parent, child, sibling, or grandparent of the victim, unless that person is in custody for an offense or is the accused.</p> <p>(13) LAWFUL REPRESENTATIVE. A person who is designated by the victim, who is a member of the immediate family, or appointed by the court and who will act in the best interests of the victim.</p> <p>(14) POST-ARREST RELEASE. The discharge of the accused from confinement on recognizance, bond, or other condition.</p> <p>(15) POST-CONVICTION RELEASE. Parole, or discharge from confinement by an agency having custody of the prisoner.</p>	
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<p>(16) POST-CONVICTION RELIEF PROCEEDING. A hearing, argument, or other matter that is held in any court and that involves a request for relief from a conviction, sentence, or adjudication.</p> <p>(17) PRISONER. A person who has been convicted or adjudicated of a criminal offense against a victim and who has been sentenced to the custody of the sheriff, the Alabama Department of Corrections, Department of Youth Services, juvenile detention facility, a municipal jail, or a secure mental health facility.</p> <p>(18) RIGHT. Any right granted to the victim by the laws of this state.</p> <p>(19) VICTIM. A person against whom the criminal offense has been committed, or if the person is killed or incapacitated, the spouse, sibling, parent, child, or guardian of the person, except if the person is in custody for an offense or is the accused.</p> <p> These definitions apply to Article 3 (Crime Victims' Rights) of Chapter 23 (Alabama Crime Victims). Many of the statutory provisions from this Article are included below in the section "Select Crime Victims' Rights."</p>	
<p>Crime Victim Counselor Confidentiality Definitions.</p> <p>As used in this article, unless a contrary meaning is clearly intended from the context in which the term appears, the following terms have the respective meanings hereinafter set forth and indicated:</p> <p>(1) CONFIDENTIAL COMMUNICATION. Any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor's treatment of the victim for any emotional or psychological condition resulting from a sexual assault or family violence.</p>	<p>Ala. Code § 15-23-41.</p>

<p>(2) VICTIM. A person who consults a victim counselor for assistance in overcoming adverse emotional or psychological effects of a sexual assault or family violence.</p> <p>(3) SEXUAL ASSAULT. Any sexual offense enumerated in Sections 13A-6-60 through 13A-6-70.</p> <p>(4) FAMILY VIOLENCE. The occurrence of one or more of the following acts between family or household members:</p> <ul style="list-style-type: none">a. Attempting to cause or causing physical harm.b. Placing another in fear of imminent serious physical harm. <p>(5) FAMILY or HOUSEHOLD MEMBERS. Children, spouses, former spouses, persons of the opposite sex living as spouses now or in the past, or persons 60 years of age or older living in the same household and related by blood or marriage.</p> <p>(6) VICTIM COUNSELING. Assessment, diagnosis, and treatment to alleviate the adverse emotional or psychological impact of a sexual assault or family violence on the victim. Victim counseling includes, but is not limited to, crisis intervention.</p> <p>(7) VICTIM COUNSELING CENTER. A private organization or unit of a government agency which has as one of its primary purposes the treatment of victims for any emotional or psychological condition resulting from a sexual assault or family violence.</p> <p>(8) VICTIM COUNSELOR. Any employee or supervised volunteer of a victim counseling center or other agency, business, or organization that provides counseling to victims who is not affiliated with a law enforcement agency or a prosecutor's office and whose duties include treating victims for any emotional or psychological condition resulting from a sexual assault or family violence.</p>	
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<p> These definitions apply to the Crime Victim Counselor Confidentiality Act, Ala. Code §§ 15-23-40 through 15-23-46. Many of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Testing of Person Charged with Certain Sex Crimes Upon Request of Victim Definitions.</p> <p>As used in this article, the following words shall have the following meanings:</p> <p>(1) ALLEGED VICTIM. A person or persons to whom transmission of body fluids from the perpetrator of the crime occurred or was likely to have occurred in the course of the alleged crime.</p> <p>(2) PARENT OR GUARDIAN OF THE ALLEGED VICTIM. A parent or legal guardian of an alleged victim who is a minor or incapacitated person.</p> <p>(3) POSITIVE REACTION. A positive test with a positive confirmatory test result as specified by the Department of Public Health.</p> <p>(4) SEXUALLY TRANSMITTED DISEASE. Those diseases designated by the State Board of Health as sexually transmitted diseases for the purposes of this article.</p> <p>(5) TRANSMISSION OF BODY FLUIDS. The transfer of blood, semen, vaginal secretions, or other body fluids identified by the Department of Public Health, from the alleged perpetrator of a crime to the mucous membranes or potentially broken skin of the victim.</p> <p> These definitions apply to the section of Alabama law governing the Testing of Person Charged with Certain Sex Crimes Upon Request of Alleged Victim, Ala. Code §§ 15-23-</p>	<p>Ala. Code § 15-23-100.</p>

<p>100 through 15-23-104. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Crime Victims’ Court Attendance Act Definitions.</p> <p>Unless the context clearly requires otherwise or unless different meanings are expressly specified in subsequent provisions of this article, wherever used in this article, the following terms, whether used in the singular or plural shall be given the following respective interpretations:</p> <p>(1) PERSON. A human being, a public or private corporation, an unincorporated association, a partnership, or other entity established by law, and/or a government or a governmental instrumentality, including, but not limited to, the State of Alabama or any political subdivision thereof.</p> <p>(2) CRIMINAL OFFENSE. Conduct which is alleged in any summons, complaint, warrant of arrest, information, presentment, or indictment and for which a sentence to a term of imprisonment, or the death penalty, or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state.</p> <p>(3) VICTIM. A person who is a victim of the defendant’s criminal offense.</p> <p> These definitions apply to the Alabama Crime Victims’ Court Attendance Act, Ala. Code §§ 15-23-50 through 15-23-57. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Ala. Code § 15-14-52.</p>
<p>Prosecution for Physical, Sexual, or Violent Offenses Involving Child-Victims or Protected Persons Definitions.</p>	<p>Ala. Code § 15-25-1(b)-(d).</p>


(b) For the purposes of this article, a “physical offense, a sexual offense, or a violent offense,” is defined to include all of the following crimes:

- (1) A sex offense as provided in [Section 15-20A-5](#).
- (2) A violent offense as provided in [Section 12-25-32](#).
- (3) Aggravated child abuse as provided in [Section 26-15-3.1](#).
- (4) Assault in any degree.
- (5) Any offense involving domestic violence, elder abuse, or a violation of a protection order.
- (6) Any attempt to commit any of the offenses listed in subdivisions (1) to (5), inclusive.


(c) For the purposes of this article, “child” means a person who is under the age of 16 years at the time of trial.


(d) For the purposes of this article, “protected person” means a person who has a developmental disability attributable to an intellectual disability, autism, cerebral palsy, epilepsy, or other disabling neurological condition that requires training or support similar to that required by a person with an intellectual disability, if any of the following apply:

- (1) The disability originates before the person attains 22 years of age, the disability can be expected to continue indefinitely, and the disability constitutes a substantial handicap to the ability of the person to function in society.
- (2) If the disability is attributable to an intellectual disability, the condition is manifested before the person attains 18 years of age, the disability can be expected to continue indefinitely, and the disability constitutes a substantial handicap to the ability of the person to function in society.
- (3) The disability results in significant subaverage intellectual functioning with concurrent deficits in adaptive behavior that are manifested during the developmental period.


 These definitions apply to Alabama Code, Title 15, Chapter 25, establishing rules of procedure applicable to prosecutions of physical, sexual, or violent offenses involving child-victims or protected persons. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”



<p>Victims' Use of Registered Therapy Dogs in Certain Legal Proceedings Definitions.</p> <p>For purposes of this section, the following terms shall have the following meanings:</p> <p>(1) ACTIVE MEMBER. Therapy dog teams who have had recorded visits at facilities including hospitals, nursing homes, libraries, and extended care facilities in the past 18 months.</p> <p>(2) REGISTERED HANDLER. A volunteer registered by the court system as a therapy dog handler who has not been convicted of sexual, animal, or domestic abuse or any felony, who has been registered by a qualifying therapy dog organization, and has taken an oath of confidentiality. An officer of the court may be a handler only if there is no expense to the state.</p> <p>(3) REGISTERED THERAPY DOG. a. A trained emotional support dog that has been tested and registered by a nonprofit therapy dog organization that sets standards and requirements for the health, welfare, task work, and oversight for therapy dogs and their handlers, including at a minimum, all of the following:</p> <ol style="list-style-type: none"> 1. A current annual certificate of health from an Alabama veterinarian on a form designed by the nonprofit therapy dog organization. 2. Markings identifying the dog as a therapy dog while working. 3. An identification card or badge to be prominently displayed on the handler. 4. A minimum of 18 months of recorded visits in institutions such as hospitals, libraries, and nursing homes providing therapy and emotional support to people of all ages, and must have passed a test administered by a nonprofit therapy dog organization demonstrating the dog and handler are qualified to access public buildings and interact with the public. 5. Proof of liability insurance in the minimum amount of five hundred thousand dollars (\$500,000) for each therapy dog working in the court system which may be provided through a nonprofit therapy dog organization. 	<p>Ala. Code § 12-21-147(a).</p>

<p>b. Notwithstanding the requirements of paragraph a., a handler with a dog having the appropriate temperament may be tested by a certified Alabama law enforcement canine officer with a minimum of two years' experience for the ability to be registered as a therapy dog for use in certain legal proceedings.</p> <p>(4) THERAPY DOG ORGANIZATION. A nationally registered 501(c)(3) nonprofit therapy dog organization that has been continuously active for a minimum of three years as a therapy dog organization with at least 100 active therapy dog teams nationwide and with active members in Alabama.</p> <p> These definitions explicitly apply to the statutory provision governing victims' use of registered therapy dogs in certain legal proceedings, Ala. Code § 12-21-147(b)–(j). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victims’ Use of Certified Facility Dogs in Certain Legal Proceedings Definitions.</p> <p>For the purposes of this section, the following terms shall have the following meanings:</p> <p>(1) CERTIFIED FACILITY DOG. A trained working dog that is a graduate of an assistance dog organization, a nonprofit organization that sets standards of training for the health, welfare, task work, and oversight for assistance dogs and their handlers, and shall have at a minimum all of the following:</p> <ul style="list-style-type: none"> a. Two years of training and must have passed the same public-access test as a service dog. b. Documentation showing that the certified facility dog has graduated from an assistance dog organization. c. A current annual certificate of health from an Alabama veterinarian. d. Proof of liability insurance in the minimum amount of five hundred thousand dollars (\$500,000). 	<p>Ala. Code § 12-21-148(a).</p>

<p>(2) CERTIFIED HANDLER. A certified handler who has received training from an assistance dog organization and has received training on the protocols and policies of legal proceedings and the role of the certified facility dog and certified handler to assure there is no interference with the collection of evidence and testimony, or the administration of justice.</p> <p> These definitions explicitly apply to the statutory provision governing victims' use of certified facility dogs in certain legal proceedings, Ala. Code § 12-21-148(b)–(g). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Protection from Abuse Act Definitions.</p> <p>In this chapter, the following words have the following meanings unless the context clearly indicates otherwise:</p> <p>(1) Abuse. An act committed against a victim, which is any of the following:</p> <ul style="list-style-type: none"> a. Arson. Arson as defined under Sections 13A-7-40 to 13A-7-43, inclusive. b. Assault. Assault as defined under Sections 13A-6-20 to 13A-6-22, inclusive. c. Attempt. Attempt as defined under Section 13A-4-2. d. Child Abuse. Torture or willful abuse of a child, aggravated child abuse, or chemical endangerment of a child as provided in Chapter 15, commencing with Section 26-15-1, of Title 26, known as the Alabama Child Abuse Act. e. Criminal Coercion. Criminal coercion as defined under Section 13A-6-25. f. Criminal Trespass. Criminal trespass as defined under Sections 13A-7-2 to 13A-7-4.1, inclusive. g. Harassment. Harassment as defined under Section 13A-11-8. h. Kidnapping. Kidnapping as defined under Sections 13A-6-43 and 13A-6-44. i. Menacing. Menacing as defined under Section 13A-6-23. j. Other Conduct. Any other conduct directed toward a plaintiff covered by this chapter that could be punished as a criminal act under the laws of this state. 	<p>Ala. Code § 30-5-2.</p>


<p>k. Reckless Endangerment. Reckless endangerment as defined under Section 13A-6-24.</p> <p>l. Sexual Abuse. Any sexual offenses included in Article 4, commencing with Section 13A-6-60, of Chapter 6 of Title 13A.</p> <p>m. Stalking. Stalking as defined under Sections 13A-6-90 to 13A-6-94, inclusive.</p> <p>n. Theft. Theft as defined under Sections 13A-8-1 to 13A-8-5, inclusive.</p> <p>o. Unlawful Imprisonment. Unlawful imprisonment as defined under Sections 13A-6-41 and 13A-6-42.</p> <p>(2) Court. A circuit court judge, a district court judge appointed as a special circuit court judge pursuant to law or a district court judge designated by a written standing order from the presiding circuit court judge to handle protection from abuse cases.</p> <p>(3) Dating relationship. A relationship or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.</p> <p>a. A dating relationship includes the period of engagement to be married.</p> <p>b. A dating relationship does not include a casual or business relationship or a relationship that ended more than 12 months prior to the filing of the petition for a protection order.</p> <p>(4) Plaintiff. An individual who has standing to file a petition under Section 30-5-5.</p> <p>(5) Protection order. Any order of protection from abuse issued under this chapter for the purpose of preventing acts of abuse as defined in this chapter.</p> <p>(6) Threat. Any word or action, expressed or implied, made to cause the plaintiff to fear for his or her safety or for the safety of another person.</p> <p>(7) Victim. An individual who is related in any of the following ways to the person who commits an act of abuse:</p> <p>a. Has a current or former marriage, including common law marriage, with the defendant.</p>	
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<p>b. Has a child in common with the defendant regardless of whether the victim and defendant have ever been married and regardless of whether they are currently residing or have in the past resided together in the same household.</p> <p>c. Has or had a dating relationship with the defendant. A dating relationship does not include a casual or business relationship or a relationship that ended more than 12 months prior to the filing of the petition for a protection order.</p> <p>d. Is a current or former household member. For purposes of this chapter, a “household member” excludes non-romantic or non-intimate co-residents.</p> <p>e. A relative of a current or former household member as defined in paragraph d. who also lived with the defendant.</p> <p>f. An individual who is a parent, stepparent, child, or stepchild.</p> <p>g. An individual who is a grandparent, step-grandparent, grandchild, or step-grandchild.</p> <p> These statutory definitions apply to the Protection from Abuse Act, Ala. Code §§ 30-5-1 through 30-5-11. Some of these statutory provisions are included below.</p>	
<p>Domestic Violence Facilities Definitions.</p> <p>In this chapter, the following words shall have the following meanings unless the context clearly indicates otherwise:</p> <p>(1) ABUSE. As defined in Section 30-5-2.</p> <p>(2) ACADV. The Alabama Coalition Against Domestic Violence, Incorporated.</p> <p>(3) ADVOCATE. An employee or volunteer of a program for victims of domestic violence receiving funds under this chapter who has a primary function of rendering advice, counseling, or assistance to victims of domestic violence; who supervises the employees or volunteers of the program; or who administers the program.</p>	<p>Ala. Code § 30-6-1.</p>




<p>(4) AGENCY. The Alabama State Law Enforcement Agency.</p> <p>(5) CLIENT. Any individual receiving services from a certified domestic violence center.</p> <p>(6) DIRECTOR. The Director of the Department of Economic and Community Affairs.</p> <p>(7) DOMESTIC VIOLENCE. Abuse as defined in subdivision (1).</p> <p>(8) DOMESTIC VIOLENCE CENTER. An entity that provides services or shelter to domestic violence victims and their accompanying children and is a member of the ACADV or other qualified entity.</p> <p>(9) OTHER QUALIFIED ENTITY. An entity designated by the director to fulfill the duties of the ACADV in the event the ACADV ceases operations or is otherwise ineligible to receive federal funds for domestic violence programs in this state.</p> <p>(10) VICTIM. As defined in Section 30-5-2.</p> <p> These definitions explicitly apply to the statutory provision governing domestic violence facilities, Ala. Code §§ 30-6-1 through 30-6-13. Some of these statutory provisions are included below.</p> <p> The definition of “victim” under Ala. Code § 30-5-2(7) is included above.</p>	
<p>Counselor-Client Privilege Definitions.</p> <p>As used in this rule:</p>	<p>Ala. R. Evid. Rule 503A(a).</p>

<p>(1) The term “client” means a person who, for the purpose of securing professional counseling services, consults with a licensed professional counselor or a certified counselor associate. It also means a person who, for the purpose of securing counseling services as the result of either sexual assault or family violence, consults with a victim counselor.</p> <p>(2) A “licensed professional counselor” is any person who holds himself or herself out to the public by any title or description of services incorporating the words “licensed professional counselor” or “licensed counselor”; who offers to render professional counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or the general public, implying that the person is licensed and trained, experienced or expert in counseling; and who holds a current, valid license to engage in the private practice of counseling.</p> <p>(3) A communication is “confidential” if it is not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional counseling services to the client or those to whom disclosure is reasonably necessary for the transmission of the communication.</p> <p>(4) “Counselor associate” is any person who has been certified by the Alabama Board of Examiners in Counseling to offer counseling services under the supervision of a licensed professional counselor.</p> <p>(5) “Counseling services” consist of all acts and behaviors that constitute the “practice of counseling” as that term is defined in this rule.</p> <p>(6) The “practice of counseling” involves the rendering or offering to render counseling services such as, among others, the following methods and procedures employed by the counseling profession:</p> <p>(A) Counseling. Assisting a person, through the counseling relationship, to develop understanding of personal problems, to define goals, and to plan action reflecting the</p>	
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<p>person's interests, abilities, aptitudes, and needs as these are related to personal-social concerns, education progress, and occupations and careers.</p> <p>(B) Appraisal Activities. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics, but not including the use of projective techniques in the assessment of personality.</p> <p>(C) Counseling, Guidance, and Personnel Consulting. Interpreting or reporting upon scientific fact or theory in counseling, guidance, and personnel services to provide assistance in solving some current or potential problems of individuals, groups, or organizations.</p> <p>(D) Referral Activities. The evaluating of data to identify problems and to determine advisability of referral to other specialists.</p> <p>(E) Research Activities. The designing, conducting, and interpreting of research with human subjects.</p> <p>(F) Victim Counseling. The providing of counseling to victims for any emotional or psychological impact resulting from a sexual assault or family violence.</p> <p>(7) "Victim counselor" means any employee or supervised volunteer of a victim counseling center or other agency, business, or organization that provides counseling to victims, who is not affiliated with a law enforcement agency or prosecutor's office and whose duties include treating victims for any emotional or psychological condition resulting from a sexual assault or family violence.</p> <p>(8) "Sexual assault" includes any sexual offense set out in Ala. Code 1975, §§ 13A-6-60 through 13A-6-70.</p> <p>(9) "Family violence" means the occurrence of one or more of the following acts between family or household members:</p> <p>(A) Attempting to cause or causing physical harm.</p> <p>(B) Placing another in fear of imminent serious physical harm.</p>	
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<p>(10) The designation “family or household members” encompasses children, spouses, former spouses, persons of the opposite sex living as spouses now or in the past, or persons 60 years of age or older living in the same household and related by blood or marriage.</p> <p>(11) “Victim counseling center” means a private organization or unit of a government agency which has as one of its primary purposes the treatment of victims for any emotional or psychological condition resulting from a sexual assault or family violence.</p> <p> These definitions explicitly apply to the counselor-client evidentiary privilege, Ala. R. Evid. Rule 503A. This privilege is included below in the section “Select Crime Victims’ Rights.”</p>	
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<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Alabama Constitutional and Statutory Provisions</p>
<p>Victims’ Constitutional Rights at All Crucial Stages of Criminal Proceedings: to Be Informed, to Be Present, and to Be Heard.</p> <p>(a) Crime victims, as defined by law or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.</p> <p>(b) Nothing in this amendment or in any enabling statute adopted pursuant to this amendment shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions. The Legislature may from time to time enact enabling legislation to carry out and implement this amendment.</p>	<p>Ala. Const. art. I, § 6.01.</p>

<p> Ala. Code § 15-23-60 defines the terms “crime victims” and “lawful representatives.” These definitions are included above in the section “Select Definitions.”</p> <p> Alabama’s Crime Victims’ Court Attendance Act, Ala. Code §§ 15-14-50 through 15-14-57, governs victims’ right to be present in the courtroom. Ala. Code § 15-23-67 provides victims in Alabama with an additional statutory right to be present throughout criminal proceedings subject to this Act. These and other statutory provisions related to these constitutional rights are included below.</p> <p> Consistent with this right, Ala. R. Evid. Rule 615 expressly does not authorize courts to exclude victims, their representatives, their guardians or their families from the courtroom under the state’s witness exclusion rule. This rule is included below.</p>	
<p>Victims’ Right to a Designated Representative to Exercise Rights.</p> <p>(a) If a victim is physically or emotionally unable to exercise any right established by this article, but is able to designate a lawful representative, the designated representative or person may exercise the same rights that the victim is entitled to exercise. The victim may revoke his or her designated representation at any time and thereafter exercise his or her rights.</p> <p>(b) If a victim is incompetent, deceased[] or otherwise incapable of designating another person to act in his or her behalf, the court may appoint a lawful representative who is not a witness in the case. If at any time the victim is no longer incompetent, incapacitated, or otherwise incapable of acting, the victim may personally exercise his or her rights.</p>	<p>Ala. Code § 15-23-61.</p>

(c) If the victim is a minor, the parent or other immediate family of the victim, or other designated representative as determined by the court, may exercise all of the rights of the victim on behalf of the victim.











Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”










Under Ala. Code § 15-14-56, victims have a separate right to designate a representative to exercise their rights under the Crime Victims’ Court Attendance Act., Ala. Code §§ 15-14-50 through 15-14-57. This statutory provision is included below.




<p>Victims' Right to Information from Law Enforcement; Law Enforcement's Related Duties.</p> <p>Within 72 hours, unless the victim is unavailable or incapacitated as a result of the crime, after the initial contact between a victim of a reported crime and the law enforcement agency either responding to the report of the crime of the victim or another person, or having responsibility for investigating the crime, the law enforcement agency shall provide to the victim in a manner and form designed and produced for the appropriate governmental agency or office, the following information:</p> <ol style="list-style-type: none">(1) The availability of emergency and crisis services.(2) The availability of victims' compensation benefits and the name, address, and telephone number of the Alabama Crime Victims Compensation Commission.(3) The name of the law enforcement officer and telephone number of the law enforcement agency with the following statement attached: "If within 60 days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case."(4) The procedural steps involved in a criminal prosecution.(5) The rights authorized by the Alabama Constitution on rights of victims, including a form to invoke these rights.(6) The existence and eligibility requirements of restitution and compensation pursuant to Section 15-18-65 et seq. and Section 15-23-1 et seq.(7) A recommended procedure if the victim is subjected to threats or intimidation.	Ala. Code § 15-23-62.
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<p>(8) The name and telephone number of the office of the prosecuting attorney to contact for further information.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place designating a specific person or persons with the responsibility of notifying victims of the above information.</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time after initial contact with law enforcement. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Notice from Prosecuting Attorney; Prosecuting Attorney’s Related Duties; Victim’s Duty to Keep Contact Information Current.</p> <p>(a) Upon written request of the victim, the prosecuting attorney shall notify the victim of all charges filed against the defendant, criminal proceedings, except initial appearances, as soon as practicable, including any changes that may occur.</p>	<p>Ala. Code § 15-23-63.</p>

<p>(b) The victim shall provide to and maintain with the office of the prosecuting attorney a request for notice on a form provided by the agency. The form shall include the telephone number and address of the victim. If the victim fails to keep this information current, his or her request for notice shall be considered withdrawn and void. Except as otherwise provided, all notices provided to a victim pursuant to this article shall be on forms developed and produced for the appropriate government agency or office.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain notification rights by filing a form containing their contact information. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Confer with the Prosecuting Attorney Prior to Final Disposition.</p> <p>The prosecuting attorney shall confer with the victim prior to the final disposition of a criminal offense, including the views of the victim about a nol pros, reduction of charge, sentence recommendation, and pre-trial diversion programs.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Ala. Code § 15-23-65 also provides victims with right to confer with the prosecution prior to the commencement of trial. This statutory provision is included below.</p>	<p>Ala. Code § 15-23-64.</p>

<p>Victims' Right to Confer with the Prosecuting Attorney Prior to Commencement of Trial.</p> <p>The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Ala. Code § 15-23-64 also provides victims with right to confer with the prosecution prior the final disposition of an offense. This statutory provision is included above.</p>	<p>Ala. Code § 15-23-65.</p>
<p>Victims' Rights Do Not Include Authority to Direct Prosecution.</p> <p>The rights of the victim do not include the authority to direct the prosecution of the case.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-23-66.</p>
<p>Victims' Right to be Present Throughout All Criminal Proceedings.</p> <p>The victim has the right to be present throughout all criminal proceedings pursuant to [the Alabama Crime Victims' Court Attendance Act,] Section 15-14-50 et seq.</p>	<p>Ala. Code § 15-23-67.</p>

<p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Alabama’s Crime Victims’ Court Attendance Act, Ala. Code §§ 15-14-50 through 15-14-57, governs victims’ right to be present in the courtroom. These statutory provisions are included below. Alabama’s constitution also provides victims with the right to be present “at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.” Ala. Const. art. I, § 6.01(a). This constitutional provision is included above.</p> <p> Consistent with this right, Ala. R. Evid. Rule 615 expressly does not authorize courts to exclude victims, their representatives, their guardians or their families from the courtroom under the state’s witness exclusion rule. This rule is included below.</p>	
<p>Victims’ Right to Separate Waiting Area in Courthouse or Other Measures to Minimize Contact with Defendants.</p> <p>The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings. For victims of domestic violence, if a separate waiting area is not available, the presiding circuit judge shall create procedures so that the defendant has no contact with the victim.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Ala. Code § 15-23-68.</p>

<p> Although this law is directed to courts, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims' families, victims' witnesses and defendant, defendants' families and defense witnesses.</p>	
<p>Victims' Right to Nondisclosure of Identifying or Locating Information During Pretrial Proceedings.</p> <p>Based upon the reasonable apprehension of the victim of acts or threats of physical violence or intimidation by the defendant, the family of the defendant, or by anyone at the direction of the defendant, against the victim or the immediate family of the victim, the prosecutor may petition the court to direct that the victim or any other witness not be compelled to testify during pre-trial proceedings or to any trial, facts that could divulge the identity, residence, or place of employment of the victim, or other related information without consent of the victim unless necessary to the prosecution of the criminal proceeding. If the court schedules a hearing on the merits of the petition, it shall be held in camera.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive this information regarding measures to maintain their safety and privacy at the earliest possible time before pretrial proceedings.</p>	<p>Ala. Code § 15-23-69(a).</p>

<p>Victims' Right to Nondisclosure of Identifying or Locating Information During Pretrial Proceedings.</p> <p>The address, phone number, place of employment, and other related information about the victim contained in the court file shall not be public record.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Although this law is directed at courts, the same concept can and should be applied to law enforcement agencies. A promising practice is to have policies and procedures in place to ensure such victim information shall not be made public.</p>	<p>Ala. Code § 15-23-69(b).</p>
<p>Victims' Right to Refuse Defense Interview Requests.</p> <p>The victim has the right to refuse a request by the defendant, the attorney of the defendant, or by any other person acting on behalf of the defendant, for an interview or other communication with the victim.</p>	<p>Ala. Code § 15-23-70.</p>
<p>Victims Right to Be Present at Proceedings When Negotiated Pleas Presented to the Court.</p> <p>The victim has the right to be present at any proceeding at which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court. The court shall not accept a plea agreement unless:</p>	<p>Ala. Code § 15-23-71.</p>

(1) The prosecuting attorney advises the court that, before requesting the negotiated plea, reasonable efforts were made to confer with the victim.

(2) Reasonable efforts are made to give the victim notice of the plea proceeding, including the offense to which the defendant will plead guilty, the date that the plea will be presented to the court, the terms of any sentence agreed to as part of the negotiated plea, and that the victim has the right to be present.

(3) The prosecuting attorney advises the court that, to the best of his or her knowledge, the notice requirements of this article have been met.





Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”







Victims have additional constitutional and statutory rights to be present in the courtroom in Alabama. *See, e.g.*, Ala. Const. art. I, § 6.01(a) (victims’ right to be present at all crucial stages of criminal proceedings); Ala. Code § 15-14-53 (victims’ right to be present at court proceedings); Ala. Code § 15-14-53 (victims’ right to be present at court proceedings); Ala. Code § 15-23-67 (victims’ right to be present throughout all criminal proceedings); Ala. Code § 15-23-76 (victims’ right to be present and heard at court proceedings). These provisions are included above and below.









Although the responsibility appears to fall only on the courts and prosecutors, law enforcement, in concert with the prosecution, can assist with reasonable efforts to notify victims of plea proceedings.





<p>Victims Right to Presentence Notice and Information from the Prosecuting Attorney.</p> <p>The prosecuting attorney shall provide to the victim the date of a conviction, acquittal, or dismissal of the charges filed against the defendant and prior to sentencing, when applicable, notice of the following:</p> <p>(1) The criminal offense for which the defendant was convicted, acquitted, or the effect of a dismissal of the charges filed against the defendant.</p> <p>(2) If the defendant is convicted, on request, the victim shall be notified, if applicable, of the following:</p> <ul style="list-style-type: none"> a. The existence and function of the pre-sentence report. b. The name, address, and telephone number of the office of the Board of Pardons and Paroles which is preparing the pre-sentence report. c. The right to make a victim impact statement. d. The right of the defendant to view the pre-sentence report. e. The right to be present and be heard at any sentencing proceeding. f. The time, place, and date of the sentencing proceeding. g. If the court orders restitution, the right to pursue collection of the restitution as provided by Section 15-18-65 et seq. <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Ala. Code § 15-23-72.</p>
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<p>Victims' Right to Submit Impact Statement Orally or in Writing to Probation Officer; Probation Officer's Duty to Consider Impact.</p> <p>The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-23-73(a).</p>
<p>Victims' Right to Review Presentence Investigative Report.</p> <p>The victim shall have the right to review a copy of the pre-sentence investigative report, subject to the applicable federal or state confidentiality laws, at the same time the document is available to the defendant or his or her counsel.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-23-73(b).</p>
<p>Victims' Right to Present Evidence, an Impact Statement or Other Relevant Information at During Any Presentencing, Sentencing or Restitution Proceeding.</p> <p>The victim has the right to present evidence, an impact statement, or information that concerns the criminal offense or the sentence during any pre-sentencing, sentencing, or restitution proceeding.</p>	<p>Ala. Code § 15-23-74.</p>



<p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Information Concerning Defendant’s Sentence; Victims’ Right to Notice of Offender’s Release or Escape.</p> <p>The victim has the right to the following information:</p> <p>(1) As soon as practicable, after the date of sentencing, the office of the prosecuting attorney shall notify the victim of the sentence imposed on the defendant.</p> <p>(2) The names, addresses, and telephone numbers of the appropriate agencies and departments to whom request for notice should be provided.</p> <p>(3) The status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings shall be furnished to the victim by the Office of the Attorney General or the office of the district attorney, whichever is appropriate, immediately after the status is known.</p> <p>(4) If the terms and conditions of a post-arrest release include a requirement that the accused post a bond, the sheriff or municipal jailer shall, upon request, notify the victim of the release on bond of the defendant.</p>	<p>Ala. Code § 15-23-75.</p>





<p>(5) The agency having physical custody of a prisoner shall, if provided a request for notice, and as soon as practicable, give notice to the victim of the escape and, subsequently, the return of the prisoner into custody.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain notification rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Be Present and Heard at Court Proceedings.</p> <p>It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forth with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Victims have additional constitutional and statutory rights to be present and heard in Alabama court proceedings. <i>See, e.g.</i>, Ala. Const. art. I, § 6.01(a) (victims’ right to be present at all crucial stages of criminal proceedings); Ala. Code. § 15-14-53 (victims’ right</p>	<p>Ala. Code § 15-23-76.</p>





<p>to be present at court proceedings); Ala. Code. § 15-23-67 (victims' right to be present throughout all criminal proceedings). These statutory provisions are included above and below.</p> <p> Consistent with this right, Ala. R. Evid. Rule 615 expressly does not authorize courts to exclude victims, their representatives, their guardians or their families from the courtroom under the state's witness exclusion rule. This rule is included below.</p>	
<p>Victims' Right to Return of Property.</p> <p>(a) Prior to the admission of evidence to the court, on request of the victim, after consultation and written approval by the district attorney or Attorney General, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.</p> <p>(b) If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the district attorney or the Attorney General, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-23-77.</p>





<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p> <p> It is a promising practice to have a policy and procedure in place establishing when and how to return property to victims. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p>Victims’ Right to Information from Custodial Agency with Physical Custody Over Prisoner of Prisoner’s Release or Death.</p> <p>Any custodial agency having physical custody of the prisoner, if provided a request for notice, shall mail to the victim the following information:</p> <p>(1) Notice of an end of sentence release within 15 days prior to the end of the sentence of the prisoner.</p> <p>(2) Notice of the death within 15 days after the prisoner has died.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Ala. Code § 15-23-78.</p>



<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Rights to Submit Statements To be Entered into Prisoners’ Records and Have These Statements Considered During Review of Prisoner for Community Status or Prior to Release.</p> <p>The victim shall have the right to be notified, upon written request, that he or she may submit a written statement, or recorded oral transcription, which shall be entered into the prisoner’s Department of Corrections records. The statement shall be considered during any review for community status of the prisoner or prior to release of the prisoner.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Ala. Code § 15-23-79(a).</p>
<p>Victims’ Rights to Notice of and to Be Heard at Parole and Pardon Hearings.</p>	<p>Ala. Code § 15-23-79(b).</p>



<p>The victim shall have the right to be notified by the Board of Pardons and Paroles and allowed to be present and heard at a hearing when parole or pardon is considered pursuant to Section 15-22-36 et seq.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Rights to Release Opinion from Alabama Department of Mental Health Facility with Custody Over the Defendant.</p> <p>Upon written request of the victim, the Alabama Department of Mental Health* . . . , or other facility with custody of the criminal defendant, shall send the victim a copy to the address stated in the request, of its release opinion which was provided to the appropriate court pursuant to Section 15-16-63 et seq.</p> <p><i>* Note: The name of Alabama’s Department of Mental Health was truncated in 2009, pursuant to Ala. Code § 22-50-2.1, which removed an outdated phrase from the official department name. Ellipses have been added above to reflect the removal of those words from the language of this provision, though they persist in Ala. Code § 15-23-80.</i></p>	<p>Ala. Code § 15-23-80.</p>




<p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Employment-Related Rights.</p> <p>The victim shall respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceeding without the loss of employment or the intimidation, threats, or fear of the loss of employment.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	<p>Ala. Code § 15-23-81.</p>
<p>Victims’ Rights Regarding Restitution Collection and Disbursement.</p> <p>The clerk of the court is authorized and shall accept partial payments from defendants when directed to do so by the court, pursuant to the conditions in Section 12-19-26. The clerk of</p>	<p>Ala. Code § 15-23-82.</p>

<p>the court shall disburse restitution to victims or the authorized recipient, including partial periodic payments as ordered under any judgment, decree, or order of the circuit or district court, pursuant to Section 15-18-65 et seq. The disbursements shall be made to the victims or the authorized recipient no later than the time provided in Rule 4, Alabama Rules of Judicial Administration. The clerk of the court shall, at the end of each month, provide to the district attorney and probation office a list of the names of defendants who are delinquent in their restitution payments under a court-approved installment plan or any other deferred-payment time period specified by the court in its sentencing order.\</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Ala. Code §§ 15-18-65 through 15-18-78 govern victim restitution in Alabama. Some of these statutory provisions are included below.</p> <p> Ala. R. J. Admin. Rule 4 governs the duties of Alabama’s clerk and register.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Prosecutor’s Standing to Assert Victim Rights.</p> <p>The Attorney General or district attorney may assert any right to which the victim is entitled.</p>	<p>Ala. Code § 15-23-83.</p>

<p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> The prosecutor’s standing to assert victims’ rights does not deny or diminish victims’ standing to assert rights.</p>	
<p>Failure to Provide Rights or Notice to Victims is Not Grounds for Conviction or Sentence to be Set Aside.</p> <p>The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.</p> <p> Ala. Code § 15-23-60 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Ala. Code § 15-23-84.</p>
<p>Victims’ Right to Compensation is Not Contingent on Prosecution or Conviction.</p> <p>Except as provided elsewhere in this article, an award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered. The commission may suspend the proceedings pending disposition of criminal prosecution that has been commenced or is imminent, but may make a tentative award under this section.</p> <p> Additional details regarding victims’ compensation-related rights are contained in the Alabama Crime Victims Compensation Act, Ala. Code §§ 15-23-1 through 15-23-23.</p>	<p>Ala. Code § 15-23-13.</p>

<p>Victim Counselor Confidentiality Act: Confidential Communication Privilege.</p> <p>(a) A victim, a victim counselor without the consent of the victim, or a minor or incapacitated victim without the consent of a custodial guardian or a guardian ad litem appointed upon application of either party, cannot be compelled to give testimony or to produce records concerning confidential communications for any purpose in any criminal proceeding.</p> <p>(b) A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a safe house, abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.</p> <p>(c) The confidential communication privilege of a victim counselor with respect to communications made between the counselor and the victim shall terminate upon the death of the victim.</p> <p> Ala. Code § 15-23-41 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Ala. R. Evid. Rule 503A also provides victim counselor-victim privilege. This privilege is included below.</p>	<p>Ala. Code § 15-23-42.</p>
<p>Victim Counselor Confidentiality Act: Waiver; Exception for in Lawsuits Initiated by Victim Against Counselor and/or Agency, Business or Organization in Which Counselor Worked or Volunteered.</p>	<p>Ala. Code § 15-23-43.</p>

<p>(a) A victim does not waive the protections afforded by this article by testifying in court about the crime.</p> <p>(1) However, if the victim partially discloses the contents of a confidential communication in the course of testifying, then either party may request the court to rule that justice requires the protections of this section be waived, to the extent they apply to that portion of the communication.</p> <p>(2) Any waiver shall apply only to the extent necessary to require any witness to respond to counsel’s questions concerning the confidential communication that are relevant to the facts and circumstances of the case.</p> <p>(b) A victim counselor cannot waive the protections afforded to a victim under this section. However, if a victim brings suit against a victim counselor or the agency, business, or organization in which the victim counselor was employed or served as a volunteer at the time of the counseling relationship and the suit alleges malpractice during the counseling relationship, the victim counselor may testify or produce records regarding confidential communications with the victim and is not liable for doing so.</p> <p> Ala. Code § 15-23-41 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victim Counselor Confidentiality Act: Nothing in Act Limits Other Testimonial Privileges.</p> <p>Nothing in this article shall be construed to limit any other testimonial privilege available to any person under other statutes or rules.</p> <p> Ala. Code § 15-23-41 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Ala. Code § 15-23-44.</p>

<p>Victim Counselor Confidentiality Act: Counselors Not Relieved of Mandatory Reporting Obligations.</p> <p>This article shall not be construed to relieve victim counselors of any duty to report suspected child abuse or neglect or any evidence that the victim is about to commit a crime.</p> <p> Ala. Code § 15-23-41 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Ala. Code § 15-23-45.</p>
<p>Sex Offense Victims’ Right to Request Order Directing Offender to Submit to a Test for Sexually Transmitted Diseases.</p> <p>When a person has been charged with the crime of rape, sodomy, sexual misconduct, sexual torture, sexual abuse, assault by bodily fluids, or any other crime in which the victim was compelled to engage in sexual activity by force or threat of force, and it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved, upon the request of the victim or the parent or guardian of a minor victim, the district attorney shall file a motion with the court for an order requiring the person charged to submit to a test for any sexually transmitted disease.</p> <p> Ala. Code § 15-23-100 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	<p>Ala. Code § 15-23-101.</p>

<p>Sex Offense Victims' Rights Regarding Court Ordered Testing of Offender for Sexually Transmitted Diseases: Designation of Physician to Receive Information on Victims' Behalf; Access to Health Officer.</p> <p>(a)(1) If the district attorney files a motion under Section 15-23-101, the court shall order the person charged to submit to testing if the court determines there is probable cause to believe that the person charged committed the crime of rape, sodomy, sexual misconduct, sexual torture, sexual abuse, assault by bodily fluids, or any other crime where the victim was compelled to engage in sexual activity by force or threat of force and the transmission of body fluids was involved.</p> <p>(2) If a warrant, information, or indictment has been issued and the defendant is in custody or has been served with the warrant, information, or indictment, the test shall be performed within 48 hours of service of the court order requiring the defendant to submit to testing.</p> <p>(b) When a test is ordered under Section 15-23-101, the victim of the crime or a parent or guardian of the minor victim shall designate an attending physician who has agreed in advance to accept the victim as a patient to receive information on behalf of the victim.</p> <p>(c) If any sexually transmitted disease test results in a negative reaction, the court shall order the person to submit to any follow-up tests at the intervals and in the manner as shall be determined by the State Board of Health.</p> <p>(d) The result of any test ordered under this section is not a public record and shall be available only to the following:</p> <ol style="list-style-type: none"> (1) The victim. (2) The parent or guardian of the minor victim. (3) The attending physician of the victim. (4) The person tested. 	<p>Ala. Code § 15-23-102.</p>
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(e) If any sexually transmitted disease test ordered under this section results in a positive reaction, the individual subject to the test shall receive post-test counseling. Counseling and referral for appropriate health care, testing, and support services as directed by the State Health Officer shall be provided to the victim at the request of the victim or the parent or guardian of the minor victim.










Ala. Code § 15-23-100 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”





A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.

<p>Sex Offense Victims' Right to Confidentiality Regarding Results of Court Ordered Testing of Offender for Sexually Transmitted Diseases.</p> <p>(a) The results of tests or reports, or information therein, obtained under Section 15-23-102 shall be confidential and shall not be divulged to any person not authorized to receive the information.</p> <p>(b) A violation of this section is a Class C misdemeanor.</p> <p> Ala. Code § 15-23-100 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-23-103.</p>
<p>Crime Victims' Court Attendance Act: Legislative Findings and Purpose.</p> <p>(a) The Legislature hereby finds and determines that it is essential to the fair and impartial administration of justice that a victim of a criminal offense be afforded a reasonable opportunity to attend any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense.</p> <p>(b) Further, the Legislature hereby finds and determines that it is essential to the fair and impartial administration of justice that a victim of a criminal offense not be excluded from any hearing or trial or any portion thereof conducted by any court which in any way pertains to such offense, merely because the victim has been or may be subpoenaed to testify at such hearing or trial or because of any arbitrary or invidious reason.</p> <p>(c) The provisions of this article are to be construed so as to accomplish these purposes and to promote the same which are hereby declared to be the public policy of this state.</p>	<p>Ala. Code § 15-14-51.</p>

<p> Ala. Code § 15-23-52 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Crime Victims’ Court Attendance Act: Victims’ Rights to Be Present in the Courtroom and to Sit at the Prosecutor’s Table.</p> <p>The victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government or other persons in whose name such prosecution is brought.</p> <p> Ala. Code § 15-23-52 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Victims have additional constitutional and statutory rights to be present in the courtroom in Alabama. <i>See, e.g.</i>, Ala. Const. art. I, § 6.01(a) (victims’ right to be present at all crucial stages of criminal proceedings); Ala. Code § 15-23-67 (victims’ right to be present throughout all criminal proceedings); Ala. Code § 15-23-71 (victims’ right to be present at proceedings where negotiated plea to be presented); Ala. Code § 15-23-76 (victims’ right to be present and heard at court proceedings). These statutory provisions are included above.</p> <p> Consistent with this right, Ala. R. Evid. Rule 615 expressly does not authorize courts to exclude victims, their representatives, their guardians or their families from the courtroom under the state’s witness exclusion rule. This rule is included below.</p>	<p>Ala. Code § 15-14-53.</p>

<p>Crime Victims' Court Attendance Act: Victims' Right to Not Be Excluded from the Courtroom.</p> <p>A victim of a criminal offense shall not be excluded from court or counsel table during the trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense, provided, however, a judge may remove a victim from the trial or hearing or any portion thereof for the same causes and in same manner as the rules of court or law provides for the exclusion or removal of the defendant.</p> <p> Ala. Code § 15-23-52 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-14-54.</p>
<p>Crime Victims' Court Attendance Act: Victims Exempt from Rule Requiring Witness Exclusion.</p> <p>A victim of a criminal offense shall be exempt from the operation of rule of court, regulation, or statute or other law requiring the separation or exclusion of witnesses from court in criminal trials or hearings.</p> <p> Ala. Code § 15-23-52 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Consistent with this right, Ala. R. Evid. Rule 615 expressly does not authorize courts to exclude victims, their representatives, their guardians or their families from the courtroom under the state's witness exclusion rule. This rule is included below.</p>	<p>Ala. Code § 15-14-55.</p>

<p>Crime Victims' Court Attendance Act: Victims' Right to Designate a Representative When Unable to Attend.</p> <p>(a) Whenever a victim is unable to attend such trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted to the victim, pursuant to the provisions of this article.</p> <p>(b) Provided, however, in the event of a dispute, the court in its discretion may designate such representative.</p> <p> Ala. Code § 15-23-52 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-14-56.</p>
<p>Crime Victims' Court Attendance Act: The Effect of Nonattendance by Victims or Victims' Representatives.</p> <p>The failure of a victim or a person designated to represent the victim to exercise any right granted by the provisions of this article shall not be cause or ground for an appeal of a conviction by a defendant or for any court to set aside, reverse or remand a criminal conviction.</p> <p> Ala. Code § 15-23-52 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Ala. Code § 15-14-56.</p>



<p>District Attorney’s Motion to Take Deposition when Victim Unavailable for Trial; Court’s Considerations.</p> <p>(a) In any criminal prosecution, the court may, upon motion of the district attorney, the defense, or the court, for good cause shown and after notice to the parties, order the taking of a deposition or a videotaped deposition of a victim or a witness when the victim or witness is or may be unavailable for trial for medical reasons or other exceptional circumstances. On any motion for a deposition or a videotaped deposition of the victim or witness, the court shall consider the age of the victim or witness, the potential unavailability of the victim or witness for trial, the nature of the offense, the nature of testimony that may be expected, and the possible effect that testimony in person at trial may have on the victim or witness, along with any other relevant matters that may be required by Supreme Court rule. During the taking of a deposition or a videotaped deposition, an attorney of the victim or witness may be present at the deposition if the victim or witness requests the presence of an attorney. If the court orders that a deposition of the victim or witness shall be taken as provided in this section, the party requesting the deposition shall make all necessary arrangements to have the deposition transcribed or videotaped, or both. Either party may request that the deposition be videotaped and the court may so order.</p> <p>(b) The deposition shall be taken before the judge in the court’s chambers or at another suitable location as the court may direct and shall be conducted in the presence of the district attorney or assistant district attorney, the defendant and his or her attorney, and any other persons as the court in its discretion may permit, taking into consideration the welfare and well-being of the victim or witness. The officer having custody of a defendant shall be notified of the time and place set for the examination and shall, unless the defendant waives in writing the right to be present, produce the defendant at the examination and keep the defendant in the presence of the witness during the examination, unless, after being warned by the court that disruptive conduct will cause the defendant’s removal from the place of the taking of the deposition, the defendant persists in conduct which is such as to justify exclusion from that place. A defendant not in custody shall have the right to be present at</p>	<p>Ala. Code § 12-21-264.</p>
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the examination subject to any terms as may be fixed by the court, but a failure, absent good cause shown, to appear after notice shall constitute a waiver of that right and of any objection to the taking and use of the deposition based on that right. The state shall make available to the defendant or the defendant's counsel for examination and use at the taking of the deposition any statement of the witness being deposed which is in possession of the state and to which the defendant would be entitled at the trial. In no event shall a deposition be taken of a defendant without the defendant's consent. The court may also order any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place of the taking of the witness's deposition. The examination and cross examination of the victim or witness shall proceed at the taking of the deposition or videotaped deposition as though the victim or witness was testifying personally in the trial of the case. The moving party shall provide the attorney for the other party with reasonable access and means to view and hear the deposition or videotaped deposition at a suitable and reasonable time prior to the trial of the case and with a copy of the deposition. Objections to the introduction into the record of the deposition shall be heard by the judge who presides at the trial of the case in which the introduction of the deposition or videotaped deposition is sought, and unless the court determines that its introduction in lieu of the victim's or witness's actual appearance as a witness at the trial will unfairly prejudice the defendant, the deposition or videotaped deposition shall be entered into the record by the moving party in lieu of the direct testimony of the victim or witness and shall be viewed by, heard by, or read to, the trier of fact at the trial of the case.

(c) For the purposes of this section, "videotaped deposition" means the visual recording on a magnetic tape, together with the associated sound of a witness testifying under oath to be entered in the record in a judicial proceeding. The term "deposition" as used in this section means a transcribed deposition which may include an audiotape of the deposition or a videotaped deposition.

(d) The Supreme Court may adopt rules of procedure regarding the taking and use of depositions or videotaped depositions in criminal proceedings as provided by this section, as well as for the transcribing of the deposition in the event the case is appealed.

<p>(e) All costs associated with the taking of a deposition or the videotaping of a deposition ordered pursuant to this section shall be paid by the moving party.</p> <p>(f) A deposition or videotaped deposition ordered pursuant to this section may be subject to a protective order of the court for the purpose of protecting the privacy of the victim of the offense or a witness until presented as evidence at trial.</p>	
<p>Victims' Use of Registered Therapy Dogs in Certain Legal Proceedings.</p> <p>(b) In a legal proceeding, to reduce the stress of the witness and to enhance the ability of the court to obtain full and accurate testimony, the court may allow a registered therapy dog to accompany a victim or witness while testifying, or in other court proceedings if a registered therapy dog is available.</p> <p>(c) If the court, in its sole discretion, grants the use of a registered therapy dog, the registered therapy dog shall be accompanied by a registered handler who has received instruction from the district attorney's office on the protocols and policies of legal proceedings for that circuit and the role of the registered therapy dog and registered handler to assure there is no interference with the collection of evidence and testimony or the administration of justice.</p> <p>(d) If a jury has been empaneled in the legal proceeding, the registered therapy dog shall be accompanied by the registered handler to the witness stand with the witness outside of the presence of the jury and the registered handler shall return to his or her position in the courtroom within view of the witness stand. Subsequently, the jury shall be seated and the court shall inform the jury of the presence of the registered therapy dog and instruct the jury that the presence of a registered therapy dog should not create any prejudice to any party.</p> <p>(e) During trial proceedings all precautions should be taken to obscure the presence of a registered therapy dog from the jury.</p>	<p>Ala. Code § 12-21-147(b)–(j).</p>

<p>(f) Markings identifying the dog as a registered therapy dog while working must be visible.</p> <p>(g) Subject to the Alabama Rules of Criminal Procedure, if requested by either party in a legal proceeding, the court may examine and confirm the credentials of the registered therapy dog and registered handler.</p> <p>(h) Registered therapy dogs and handlers shall not be dismissed from any therapy dog organization for following the rules and procedures in this section or those set by the court.</p> <p>(i) Prior to the use of a registered therapy dog in a court proceeding the state or moving party must file a notice of intent to use the registered therapy dog.</p> <p>(j) A judge may award costs from the judge’s discretionary fund to the registered handler to offset some of the financial cost of using the dog in legal proceedings.</p> <p> Ala. Code § 12-21-147(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Ala. Code § 12-21-148 contains similar provisions with respect to certified facility dogs. This statutory provision is included below.</p>	
<p>Victims’ Use of Certified Facility Dogs in Certain Legal Proceedings.</p> <p>(b) In a legal proceeding, to reduce the stress of a witness and to enhance the ability of the court to obtain full and accurate testimony, the court may allow a certified facility dog to accompany a victim or witness while testifying, or in other court proceedings, if a certified facility dog is available.</p>	<p>Ala. Code § 12-21-148(b)–(g).</p>

(c) If the court, in its sole discretion, grants the use of a certified facility dog, and a jury has been empaneled in the legal proceeding, the certified facility dog shall be accompanied by the certified handler to the witness stand with the witness outside of the presence of the jury, and the certified handler shall return to his or her position in the courtroom within view of the witness stand. Subsequently the jury shall be seated and the court shall instruct the jury on the presence of the certified facility dog and that the presence of a certified facility dog should not create any prejudice to any party.

(d) During trial proceedings, all precautions should be taken to obscure the presence of the dog from the jury.

(e) Markings identifying the dog as a certified facility dog while working must be visible.

(f) Subject to the Alabama Rules of Criminal Procedure, if requested by either party in a legal proceeding, the court may examine and confirm the credentials of the certified facility dog and certified handler.

(g) Prior to the use of a certified facility dog in a court proceeding the state or moving party must file a notice of intent to use the registered therapy dog.




Ala. Code § 12-21-148(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



Ala. Code § 12-21-147 contains similar provisions with respect to registered therapy dogs. This statutory provision is included above.

<p>Human Trafficking Victims' Right to Mandatory Restitution.</p> <p>(a) A person or entity convicted of any violation of this article shall be ordered to pay mandatory restitution to the victim, prosecutorial, or law enforcement entity, with the proceeds from property forfeited under Section 13A-6-156 applied first to payment of restitution. Restitution under this section shall include items covered under Article 4A, commencing with Section 15-18-65 of Chapter 18 of Title 15, and any of the following:</p> <ul style="list-style-type: none"> (1) Costs of medical and psychological treatment, including physical and occupational therapy and rehabilitation, at the court's discretion. (2) Costs of necessary transportation, temporary housing, and child care, at the court's discretion. (3) Cost of the investigation and prosecution, attorney's fees, and other court-related costs such as victim advocate fees. (4) The greater of a. the value of the human trafficking victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act; or b. the gross income or value to the defendant of the victim's labor servitude or sexual servitude engaged in by the victim while in the human trafficking situation. (5) Return of property, cost of damage to property, or full value of property if destroyed or damaged beyond repair. (6) Expenses incurred by a victim and any household members or other family members in relocating away from the defendant or his or her associates, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items. Expenses incurred pursuant to this section shall be verified by law enforcement to be necessary for the personal safety of the victim or household or family members, or by a mental health treatment provider to be necessary for the emotional well-being of the victim. (7) Any and all other losses suffered by the victim as a result of any violation of this article. 	<p>Ala. Code § 13A-6-155.</p>
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<p>(b) For purposes of this section, the return of the victim to his or her home country or other absence of the victim from the jurisdiction shall not prevent the victim from receiving restitution.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Child Sex Abuse or Exploitation Victims' Rights Regarding Law Enforcement Interviews: Limitations on Number of Interviews; Protection from Psychological Damage of Repeated Interrogation.</p> <p>The presiding judge of a judicial circuit, after consultation with the district attorney for the judicial circuit may provide for reasonable limits on the number of interviews a victim of sexual abuse or exploitation, who is under 12 years of age, must submit to for law enforcement or other purposes. The judge shall, to the extent possible, protect the victim from the psychological damage of repeated interrogation while preserving the rights of the public, the victim, and the person charged with the violation.</p>	<p>Ala. Code § 15-1-2(a).</p>
<p>Child Sex Abuse or Exploitation Victims' Right to Confidentiality of Court Records.</p> <p>The court records of a child under the age of 18 years who is a victim of sexual abuse or exploitation shall not be open to the public, but shall be kept in the same manner as juvenile offender records are kept.</p>	<p>Ala. Code § 15-1-2(b).</p>

<p>Law Enforcement’s Duties Regarding Domestic Violence Arrest; Domestic Violence Victims’ Right to Receipt of Protective Order; Release and Bail Conditions to Protect Victims.</p> <p>(a) A person arrested for domestic violence in the first degree, pursuant to Section 13A-6-130, domestic violence in the second degree, pursuant to Section 13A-6-131, domestic violence in the third degree, pursuant to Section 13A-6-132, interference with a domestic violence emergency call, in violation of Section 13A-6-137, or domestic violence by strangulation or suffocation, pursuant to Section 13A-6-138, or a violation of a domestic violence protection order, may not be admitted to bail until after an appearance before a judge or magistrate within 24 hours of the arrest, and if the person is not taken before a judge or magistrate within 24 hours of the arrest, he or she shall be afforded an opportunity to make bail in accordance with the Alabama Rules of Criminal Procedure.</p> <p>(b) The judge or magistrate may impose conditions of release or bail on the person to protect the alleged victim of domestic violence or the person protected by a protection order, and to ensure the appearance of the person at a subsequent court proceeding. The conditions may include, but need not be limited to, the following:</p> <p>(1) Enjoining the person from threatening to commit or committing acts of domestic violence against the alleged victim.</p> <p>(2)a. Restraining and enjoining the defendant from contacting the victim.</p> <p>b. For the purposes of this subsection, contacting includes, but is not limited to, communicating with the victim verbally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person.</p> <p>(3) Prohibiting the person from possessing a firearm or other weapon specified by the court, except when such weapon is necessary for employment as a peace officer or military personnel.</p> <p>(4) Issuing any other order or modification of orders required in this section to protect the safety of the alleged victim or to ensure the appearance of the person in court.</p>	<p>Ala. Code. § 15-13-190.</p>
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<p>(c) If conditions of release are imposed, the judge or magistrate shall issue a written order for conditional release, immediately distribute a copy of the order to the law enforcement agency having custody of the arrested or charged person, place information pertaining to the order in the domestic violence protection order registry, and provide the law enforcement agency with any available information concerning the location of the alleged victim in a manner that protects the safety of the victim. Law enforcement shall provide a copy of the written order to the victim within 24 hours of receipt, provided that the victim provides law enforcement with current and accurate contact information.</p> <p>(d) In cases in which the defendant has been placed on conditional release or bail pursuant to this section or is in violation of probation from another case and is arrested on a probation violation warrant, a violation of written condition of release pursuant to this section, or a violation of a prior protection order, the court shall consider revocation of probation, conditional release, or bail. Should the court order continue probation, conditional release, or bail, the court shall order additional conditions imposed on the defendant to provide protection to the victim of domestic violence or the person protected by a protection order. Additional conditions shall be included in a written order.</p> <p>(e) A person who willfully violates a condition of pretrial release provided in this section, when the original arrest was for an act of domestic violence, shall be subject to the penalties provided in Section 13A-6-142, and shall receive an enhanced penalty and additional sentence of imprisonment in accordance with Section 13A-6-142.</p>	
<p>Certain Child-Victims' and Protected Person-Victims' Rights Regarding Videotaped Depositions: When Depositions May Be Taken; Who May Be Present; Procedure; Protective Order; Appointment of Counsel.</p> <p>(a) In any criminal prosecution referred to in Section 15-25-1, the court, upon motion of the district attorney or Attorney General, for good cause shown and after notice to the</p>	<p>Ala. Code § 15-25-2.</p>

defendant, may order the taking of a video deposition of an alleged victim of or witness to the crime who is a child or a protected person at the time of the order.

(b) On any motion for a video deposition of the victim or a witness, the court shall consider the nature of the offense, the nature of testimony that may be expected, and the possible effect that the testimony in person at trial may have on the victim or witness, along with any other relevant matters that may be required by Supreme Court rule.

(c) During the recording of a video deposition, the following persons shall be in the room with the child or the protected person:

(1) The prosecuting attorney.



(2) The attorney for the defendant.





(3) A person whose presence, in the judgment of the court, contributes to the well-being of the child or protected person and who has dealt with the child or the protected person in a therapeutic setting regarding the abuse.

(4) Additional persons, other than the defendant, may be admitted into the room in the discretion of the court.

(d) Examination and cross-examination of the alleged victim or witness shall proceed at the taking of the video deposition as though the alleged victim or witness were testifying personally in the trial of the case. The state shall provide the attorney for the defendant with a copy of the video deposition at a suitable and reasonable time prior to the trial of the case. The court shall enter a protective order prohibiting the attorney for the defendant from copying, reproducing, or distributing the video deposition. Objections to the introduction into the record of the deposition shall be heard by the judge in whose presence the deposition was taken, and unless the court determines that its introduction in lieu of the victim's or witness's actual appearance as a witness at the trial will unfairly prejudice the defendant, the video deposition shall be entered into the record by the state in lieu of the direct testimony of the alleged victim or witness and shall be viewed and heard at the trial of the case.

- (e) For the purposes of this section, "video deposition" means the recording of video, with sound, of witness testimony made under oath to be entered in the record in a judicial proceeding.
- (f) The Supreme Court may adopt rules of procedure regarding the taking and use of video depositions in criminal proceedings and juvenile cases, as well as transcription of video depositions in appeals of those cases.
- (g) All costs associated with the recording of a deposition ordered pursuant to this article shall be paid by the state. The district attorney shall submit all related cost bills to the state Comptroller for approval and payment from the fund entitled Court Costs Not Otherwise Provided For.
- (h) All recordings of video depositions ordered pursuant to this article shall be subject to any protective order of the court for the purpose of protecting the privacy of the victim of the offense.
- (i) When necessary, the operator of the equipment used to record video depositions may also be in the room during the taking of the deposition and the operator shall make every effort to be unobtrusive.
- (j) Only the court, the prosecuting attorney, and the attorney for the defendant may question the victim or witness. During the testimony of the child or protected person, the defendant shall be provided access to view the testimony out of the presence of the child or protected person and shall be allowed to communicate with his or her attorney by any appropriate election method.
- (k) In circumstances where a defendant in a proceeding has elected to proceed without counsel, the court may appoint counsel for the defendant and may order counsel to question a child or a protected person on behalf of the pro se defendant if the court finds

<p>that there is substantial likelihood that the child or protected person would experience emotional harm if the defendant were allowed to question the child or protected person.</p> <p> Ala. Code § 15-25-1(b)-(d) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Ala. Code §§ 15-25-1 through 15-25-7 govern prosecutions for physical, sexual, or violent offenses involving a children and protected persons.</p>	
<p>Protection from Abuse Act: Construction and Purpose.</p> <p>(a) This chapter shall be known as and may be cited as the Protection From Abuse Act.</p> <p>(b) This chapter shall be liberally construed and applied to promote all of the following purposes:</p> <p>(1) To assure victims of domestic violence the maximum protection from abuse that the law can provide.</p> <p>(2) To create a flexible and speedy remedy to discourage violence and harassment against family members or others with whom the perpetrator has continuing contact.</p> <p>(3) To expand the ability of law enforcement officers to assist victims, to enforce the law effectively in cases of domestic violence, and to prevent further incidents of abuse.</p> <p>(4) To facilitate equal enforcement of criminal law by deterring and punishing violence against family members and others who are personally involved with the perpetrators.</p> <p>(5) To recognize that domestic violence is a crime that will not be excused or tolerated.</p> <p>(6) To provide for protection orders to prevent domestic violence and provide for court jurisdiction and venue; to provide for court hearing for petitions for relief; and to provide for the contents and the issuance of protection orders.</p>	<p>Ala. Code § 30-5-1.</p>

<p> Ala. Code § 30-5-2 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information regarding protective orders under the Protection from Abuse Act, <i>see</i> Ala. Code § 30-5-3 (jurisdiction; request for protective order; venue; other actions; residency); Ala. Code § § 30-5-4 (remedies and relief; duty to inform court of pending proceedings; previous court orders; issuance of orders); Ala. Code § § 30-5-5 (standing to file sworn petition for protection order; disclosure information; costs and fees); Ala. Code § § 30-5-6 (hearing on petition; temporary orders); Ala. Code § § 30-5-7 (ex parte protection order or modification of protection order); Ala. Code § § 30-5-8 (notice of hearing or other order to be sent to parties; registration of information; automated process; additional fines); Ala. Code § § 30-5-11 (construction of chapter).</p> <p> Enforcement of domestic violence protective orders is governed by the Domestic Violence Protection Order Enforcement Act, Ala. Code §§ 13A-6-140 through 13A-6-143.</p> <p> Alabama law also offers specific protective orders for victims of elder abuse. <i>See generally</i> Ala. Code §§ 38-9F-1 through 38-9F-12 (Elder Abuse Protection Order and Enforcement Act).</p>	
<p>Protection from Abuse Act: Jurisdiction; Request for Protection Order; Venue; Other Actions; Residency.</p> <p>(a) The courts, as provided in this chapter, shall have jurisdiction to issue protection orders.</p> <p>(b) A protection order may be requested in any pending civil or domestic relations action, as an independent civil action, or in conjunction with the preliminary, final, or post-judgment relief in a civil action.</p>	<p>Ala. Code § 30-5-3.</p>



- (c) A petition for a protection order may be filed in any of the following locations:
- (1) Where the plaintiff or defendant resides.
 - (2) Where the plaintiff is temporarily located if he or she has left his or her residence to avoid further abuse.
 - (3) Where the abuse occurred.
 - (4) Where a civil matter is pending before the court in which the plaintiff and the defendant are opposing parties.
- (d) When custody, visitation, or support, or a combination of them, of a child or children has been established in a previous court order in this state, or an action containing any of the issues above is pending in a court in this state in which the plaintiff and the defendant are opposing parties, a copy of any temporary ex parte protection order issued pursuant to this chapter and the case giving rise thereto should be transferred to the court of original venue of custody, visitation, or support for further disposition as soon as practical taking into account the safety of the plaintiff and any children.
- (e) A minimum period of residency of a plaintiff is not required to petition the court for an order of protection.



Ala. Code § 30-5-2 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



For additional information regarding protective orders under the Protection from Abuse Act, *see* Ala. Code § 30-5-1 (construction and purpose); Ala. Code § 30-5-4 (remedies and relief; duty to inform court of pending proceedings; previous court orders; issuance of orders); Ala. Code § 30-5-5 (standing to file sworn petition for protection order; disclosure information; costs and fees); Ala. Code § 30-5-6 (hearing on petition; temporary orders); Ala. Code § 30-5-7 (ex parte protection order or modification of protection order); Ala. Code § 30-5-8 (notice of hearing or other order to be sent to parties; registration of information; automated process; additional fines); Ala. Code § 30-5-11 (construction of chapter).

<p> Enforcement of domestic violence protective orders is governed by the Domestic Violence Protection Order Enforcement Act, Ala. Code §§ 13A-6-140 through 13A-6-143.</p> <p> Alabama law also offers specific protective orders for victims of elder abuse. <i>See generally</i> Ala. Code §§ 38-9F-1 through 38-9F-12 (Elder Abuse Protection Order and Enforcement Act).</p>	
<p>Protection from Abuse Act: Victim Standing to File Petition for Protective Order; Disclosure of Information; Costs and Fees.</p> <p>(a) The following persons have standing to file a sworn petition for a protection order under this chapter as a plaintiff:</p> <p>(1) A person who is at least 18 years old or is otherwise emancipated and is the victim of abuse, as defined in Section 30-5-2, or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of abuse.</p> <p>(2) A parent, legal guardian, next friend, court-appointed guardian ad litem, or the State Department of Human Resources may petition for relief on behalf of the following:</p> <p>a. A minor child.</p> <p>b. Any person prevented by physical or mental incapacity from seeking a protection order.</p> <p>(b) Standardized petitions for actions pursuant to this chapter shall be made available through the circuit clerks' offices around the state. The circuit clerk shall not provide assistance to persons in completing the forms or in presenting their case to the court.</p> <p>(c) A sworn petition shall allege the incidents of abuse, the specific facts and circumstances that form the basis upon which relief is sought, and that the plaintiff genuinely fears subsequent acts of abuse by the defendant.</p>	<p>Ala. Code § 30-5-5.</p>

(d) The court shall not enter mutual orders. The court shall issue separate orders that specifically and independently state the prohibited behavior and relief granted in order to protect the victim and the victim's immediate family and to clearly provide law enforcement with sufficient directives.

(e) Any plaintiff who files a petition under this chapter may do so through an attorney or may represent himself or herself throughout the legal process outlined in this chapter, including, but not limited to, the filing of pleadings, motions, and any other legal documents with any court, and the appearance in ex parte and formal court proceedings on his or her behalf.





(f)(1) The following information shall not be contained on any court document made available to the public and the defendant by the circuit clerk's office: The plaintiff's home address and, if applicable, business address; a plaintiff's home telephone number and, if applicable, business telephone number; the home or business address or telephone number of any member of the plaintiff's family or household; or an address that would reveal the confidential location of a shelter for victims of domestic violence as defined in Section 30-6-1.


(2) If disclosure of the plaintiff's address, the address of any member of the plaintiff's family or household, or an address that would reveal the confidential location of a shelter for victims of domestic violence is necessary to determine jurisdiction or to consider a venue issue, it shall be made orally and in camera.


(3) If the plaintiff has not disclosed an address or telephone number under this section, the plaintiff shall satisfy one of the following requirements:


- a. Designate and provide to the court an alternative address.
- b. Elect to substitute the business address and telephone number of his or her attorney of record in place of the address of the plaintiff on any court document.


(g)(1) No court costs or fees shall be assessed for the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order or a petition for a protection order under this chapter.

<p>(2) No court costs or fees shall be assessed for the issuance of a witness subpoena under this chapter.</p> <p>(3) Costs and fees may be assessed against the defendant at the discretion of the court.</p> <p> Ala. Code § 30-5-2 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information regarding protective orders under the Protection from Abuse Act, <i>see</i> Ala. Code § 30-5-1 (construction and purpose); Ala. Code § 30-5-3 (jurisdiction; request for protective order; venue; other actions; residency); Ala. Code § 30-5-4 (remedies and relief; duty to inform court of pending proceedings; previous court orders; issuance of orders); Ala. Code § 30-5-6 (hearing on petition; temporary orders); Ala. Code § 30-5-7 (ex parte protection order or modification of protection order); Ala. Code § 30-5-8 (notice of hearing or other order to be sent to parties; registration of information; automated process; additional fines); Ala. Code § 30-5-11 (construction of chapter).</p> <p> Enforcement of domestic violence protective orders is governed by the Domestic Violence Protection Order Enforcement Act, Ala. Code §§ 13A-6-140 through 13A-6-143.</p> <p> Alabama law also offers specific protective orders for victims of elder abuse. <i>See generally</i> Ala. Code §§ 38-9F-1 through 38-9F-12 (Elder Abuse Protection Order and Enforcement Act).</p>	
<p>Domestic Violence Victims’ Rights Regarding Domestic Violence Centers, Confidentiality and Privilege.</p> <p>Information identifying individuals or facilities received by the office, the circuit, any district attorney or his or her employees, the director, or by authorized persons employed by or</p>	<p>Ala. Code § 30-6-8.</p>

<p>volunteering services to a domestic violence center, through files, reports, inspection, or otherwise, is confidential and exempt from Section 36-12-40. Information about the location of domestic violence centers and facilities is confidential and exempt from Section 36-12-40. Oral communications between a domestic violence victim and an advocate and written reports and records concerning the victim may not be disclosed without the written consent of the victim. This privilege does not relieve a person from any duty imposed pursuant to Section 26-14-1 or Section 38-9-2. However, when cooperating with the Department of Human Resources, the staff and volunteers of a domestic violence center shall protect the confidentiality of other clients at the center. A victim or advocate may not claim this privilege when providing evidence in proceedings concerning child abuse, but may claim this privilege in all other proceedings, both criminal and civil. This privilege expires upon the death of the victim. The director shall ensure that the information obtained under authority of this chapter shall be restricted to the items germane to the implementation thereof and shall ensure that the provisions are administered so as not to accumulate any information or distribute any information that is not required by this chapter.</p> <p> Ala. Code § 30-6-1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Law Enforcement Officers’ Duties to Assist Domestic Violence Victims in Obtaining Transportation to Receive Necessary Treatment and to Advise of Domestic Violence Center and Services.</p> <p>Any law enforcement officer who investigates an alleged incident of domestic violence shall, at the time of the incident, assist the victim with obtaining transportation so that the victim may receive any necessary medical treatment which resulted from the alleged incident to which the officer responds, and shall advise the victim that there is a domestic violence center from which the victim may receive services.</p>	<p>Ala. Code § 30-6-9.</p>

<p> Ala. Code § 30-6-1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Counselor-Client Privilege.</p> <p>(b) General Rule of Privilege. A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made for the purpose of facilitating the rendition of counseling services to the client.</p> <p>(c) Who May Claim the Privilege. The privilege may be claimed by the client, the client’s guardian or conservator, or the personal representative of a deceased client. The person who was the licensed counselor, counselor associate, or victim counselor at the time of the communication is presumed to have authority to claim the privilege, but only on behalf of the client.</p> <p>(d) Exceptions.</p> <p>(1) <i>Proceedings for Hospitalization.</i> In proceedings to hospitalize the client for mental illness, there is no privilege under this rule for communications relevant to an issue in those proceedings if the counselor or counselor associate has determined, in the course of counseling, that the client is in need of hospitalization.</p> <p>(2) <i>Examination by Order of Court.</i> If the court orders an examination of the mental or emotional condition of a client, whether a party or a witness, communications made in the course thereof are not privileged under this rule with respect to the particular purpose for which the examination is ordered, unless the court orders otherwise.</p> <p>(3) <i>When the Client’s Condition Is an Element of a Claim or a Defense.</i> There is no privilege under this rule as to a communication relevant to an issue regarding the mental or emotional condition of the client, in any proceeding in which the client relies upon the condition as an element of the client’s claim or defense, or, after the client’s death, in any proceeding in which any party relies upon the condition as an element of the party’s claim or defense.</p>	<p>Ala. R. Evid. Rule 503A(b)–(d).</p>

<p>(4) <i>Breach of Duty Arising Out of the Counselor-Client Relationship.</i> There is no privilege under this rule as to an issue of breach of duty by the counselor, counselor associate, or victim counselor to the client or by the client to the counselor, counselor associate, or victim counselor.</p> <p>(5) <i>Victim Counseling in Civil Cases.</i> There is no privilege under this rule in civil cases as to a communication made to facilitate victim counseling when the person conducting the counseling is neither a licensed professional counselor nor a counselor associate, except that under no circumstances may a victim counselor or a victim be compelled to provide testimony in any proceeding that would identify the name, address, location, or telephone number of a “safe house,” abuse shelter, or other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding, unless the facility is a party to the proceeding.</p> <p> The Crime Victim Counselor Confidentiality Act, Ala. Code §§ 15-23-40 through 15-23-46, also provides privilege protections to communications between crime victims and certain counselors. Many provisions of this act are included above.</p>	
<p>Exception for Victims from Witness Exclusion Rule.</p> <p>At the request of a party the court may order witnesses excluded so that they cannot hear the testimony of other witnesses and it may make the order of its own motion. This rule does not authorize exclusion of (1) a party who is a natural person, (2) an officer or employee of a party which is not a natural person designated as its representative by its attorney, (3) a person whose presence is shown by a party to be essential to the presentation of the party’s cause, or (4) a victim of a criminal offense or the representative of a victim who is unable to attend, when the representative has been selected by the victim, the victim’s guardian, or the victim’s family.</p>	<p>Ala. R. Evid. Rule 615.</p>

 Alabama's Crime Victims' Court Attendance Act, Ala. Code §§ 15-14-50 through 15-14-57, governs victims' right to be present in the courtroom; Ala. Const. Art. I, § 6.01 provides victims with a constitutional right to be present at all crucial stages of criminal proceedings; and Ala. Code § 15-23-67 provides victims in Alabama with an additional statutory right to be present throughout criminal proceedings subject to this Act. These constitutional and statutory provisions are included above.	
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