

REFERENCE TITLE: victims' rights; requirements; monetary judgments

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

## HB 2269

Introduced by  
Representatives Syms: Barton, Bowers, Cook, John, Kern, Leach, Mitchell,  
Nutt, Payne, Rubalcava, Senator Fann

### AN ACT

AMENDING SECTIONS 8-386, 8-386.01, 8-387, 8-396, 8-407, 8-413 AND 8-415, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; AMENDING SECTIONS 13-4405, 13-4407, 13-4415 AND 13-4428, ARIZONA REVISED STATUTES; RELATING TO VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-386, Arizona Revised Statutes, is amended to  
3 read:

4 8-386. Information provided to victim by law enforcement  
5 agencies

6 A. As soon after the detection of an offense as the victim may be  
7 contacted without interfering with an investigation or arrest, the law  
8 enforcement agency responsible for investigating the offense shall provide  
9 ELECTRONIC FORMS, PAMPHLETS, INFORMATION CARDS OR OTHER MATERIALS TO the  
10 victim ~~with a multicopy form~~:

11 1. That allows the victim to request or waive applicable rights to  
12 which the victim is entitled, on request, under this article.

13 2. That provides the victim a method to designate a lawful  
14 representative if the victim so chooses pursuant to section 8-384,  
15 subsection A or section 8-385.

16 3. That provides notice to the victim of all of the following  
17 information:

18 (a) The victim's right under the victims' bill of rights, article  
19 II, section 2.1, Constitution of Arizona, to be treated with fairness,  
20 respect and dignity and to be free of intimidation, harassment or abuse  
21 throughout the criminal or juvenile justice process.

22 (b) The availability, if any, of crisis intervention services and  
23 emergency and medical services and, if applicable, that medical expenses  
24 arising out of the need to secure evidence may be reimbursed pursuant to  
25 section 13-1414.

26 (c) In cases involving domestic violence, the procedures and  
27 resources available for the protection of the victim pursuant to section  
28 13-3601.

29 (d) The names and telephone numbers of public and private victim  
30 assistance programs, including the county victim compensation program and  
31 programs that provide counseling, treatment and other support services.

32 (e) The police report number, if available, other identifying case  
33 information and the following statement:

34 If within thirty days you are not notified of an arrest in  
35 your case, you may call (the law enforcement agency's  
36 telephone number) for the status of the case.

37 (f) Whether the suspect is an adult or juvenile, the victim will be  
38 notified by the law enforcement agency at the earliest opportunity after  
39 the arrest of a suspect.

40 (g) If the suspect is a juvenile and the officer requests that the  
41 accused be detained, a statement of the victim's right, on request, to be  
42 informed if the juvenile will be released or will be detained pending the  
43 detention hearing and of the victim's right to be present and heard at the  
44 detention hearing and that, to exercise these rights, the victim must

1 contact the detention screening section of the juvenile probation  
2 department immediately to request notice of all of the following:

3 (i) The juvenile's release.

4 (ii) The date, time and place of the detention hearing and any  
5 changes to that schedule.

6 (iii) If the victim chooses to exercise the right to be heard  
7 through a written statement, how that statement may be submitted to the  
8 court.

9 (h) That the victim or the immediate family member of the victim,  
10 if the victim is killed or incapacitated, has the right to receive one  
11 copy of the police report, including any supplements to the report, from  
12 the investigating law enforcement agency at no charge pursuant to section  
13 39-127.

14 B. If at the time of contact with a law enforcement agency the  
15 victim is physically or emotionally unable to request or waive applicable  
16 rights, the law enforcement agency shall designate this ~~on the multicopy~~  
17 ~~form~~ IN A FORMAT THAT IS AUTHORIZED BY SUBSECTION A OF THIS SECTION and  
18 the entities that may be subsequently affected shall presume that the  
19 victim invoked the victim's right to request applicable rights to which  
20 the victim is entitled, on request, unless the victim later waives those  
21 rights.

22 C. The law enforcement agency shall submit one copy of the victim's  
23 request or waiver of predisposition rights form to the detention center,  
24 if the arresting officer is requesting that the accused be detained, at  
25 the time the juvenile is taken to detention. If detention is not  
26 requested, the form copies shall be submitted to the juvenile probation  
27 intake section at the time the case is otherwise referred to court. The  
28 probation intake section shall submit a copy of the victim's request or  
29 waiver of predisposition rights form to the prosecutor and the departments  
30 or governmental agencies, as applicable, that are mandated by this article  
31 to provide victims' rights services on request.

32 D. If the accused juvenile is cited and released by an Arizona  
33 traffic ticket and complaint form pursuant to section 8-323, the law  
34 enforcement agency shall inform the victim how to obtain additional  
35 information about subsequent proceedings.

36 E. Law enforcement agencies within a county may establish different  
37 procedures designed to efficiently and effectively provide notice of the  
38 victim's rights pursuant to this article and notice to affected entities  
39 of victim request or waiver information. If different procedures are  
40 established, the procedures shall:

41 1. Be reported to the entities within a county affected by the  
42 procedures and reported to the attorney general.

43 2. Be designed so that detention centers within a county receive  
44 notice of the victim's request or waiver of the victim's predisposition  
45 rights at the same time that an accused juvenile is detained.

1           3. Be designed so that the juvenile probation intake section of the  
2 county receives notice of the victim's request or waiver of the victim's  
3 predisposition rights at the same time that the case is referred to court.

4           4. Provide that the notice to affected entities of a victim's  
5 request or waiver of the victim's predisposition rights includes  
6 information that allows the affected entity to contact the victim.

7           5. Be supported by the use of **ELECTRONIC FORMS**, brochures, ~~forms~~ or  
8 other written materials developed by the law enforcement agencies within a  
9 county and reviewed by the attorney general pursuant to section 8-398,  
10 subsection B.

11           Sec. 2. Section 8-386.01, Arizona Revised Statutes, is amended to  
12 read:

13           8-386.01. Issuance and execution of arrest warrants

14           A. ~~Beginning on the effective date of this section,~~ On the issuance  
15 of an arrest warrant, the court issuing the warrant shall state in the  
16 warrant whether the person named in the warrant is to be arrested for or  
17 is to be charged with committing an offense to which this article applies  
18 or **THAT** is materially related to an offense to which this article applies.

19           B. On receipt of notice of an arrest or an impending arrest of a  
20 juvenile and if applicable pursuant to subsection A of this section, the  
21 agency that is responsible for holding the original warrant shall notify  
22 the law enforcement agency that was responsible for the original  
23 investigation of the offense of the impending detainment of the juvenile  
24 who is arrested on the law enforcement agency's warrant.

25           C. On receiving notice that the warrant was executed pursuant to  
26 subsection B of this section, the law enforcement agency that was  
27 responsible for the original investigation of the offense shall do all of  
28 the following if the victim has requested notice pursuant to section ~~8-286~~  
29 **8-386**:

30           1. Notify the victim of the arrest and advise the victim that to  
31 exercise the right to be informed if the juvenile is released the victim  
32 must contact the detention center of the juvenile probation department  
33 immediately.

34           2. Inform the victim of the telephone number of the detention  
35 center in which the juvenile is detained.

36           3. Provide the detention center with the victim information  
37 pursuant to section ~~8-286~~ **8-386** so that the detention center may notify  
38 the victim of the release or escape of the juvenile pursuant to section  
39 ~~8-290.03~~ **8-393**, if applicable.

40           D. A law enforcement agency is not required to provide victim  
41 information pursuant to section ~~8-286~~ **8-386**, subsections C and E to the  
42 custodial agency at the time a juvenile is detained unless the law  
43 enforcement agency that performs the warrant arrest is also the law  
44 enforcement agency that was responsible for the original investigation of  
45 the offense.

1 E. The victim's right to be informed of an arrest or a release  
2 pursuant to an executed warrant applies to warrants that are issued on or  
3 after September 1, 1996.

4 F. Law enforcement, courts and juvenile custodial agencies are not  
5 liable pursuant to section ~~8-290.26~~ 8-393 for the failure to inform a  
6 victim of the arrest or release of a juvenile on warrants that were issued  
7 before September 1, 1996.

8 Sec. 3. Section 8-387, Arizona Revised Statutes, is amended to  
9 read:

10 8-387. Notice of terms and conditions of release

11 On the request of the victim, the juvenile court or the department  
12 of juvenile corrections shall provide a copy of the terms and conditions  
13 of release. THE COPY OF THE TERMS AND CONDITIONS OF RELEASE MAY BE  
14 PROVIDED TO THE VICTIM IN AN ELECTRONIC FORM, PAMPHLET, INFORMATION CARD  
15 OR OTHER MATERIAL.

16 Sec. 4. Section 8-396, Arizona Revised Statutes, is amended to  
17 read:

18 8-396. Notice of probation modification, termination or  
19 revocation disposition matters; notice of arrest

20 A. On request of a victim who has provided an address or other  
21 contact information, the court shall notify the victim of any of the  
22 following:

23 1. A probation revocation disposition proceeding or any proceeding  
24 in which the court is asked to terminate the probation or intensive  
25 probation of the delinquent who committed the delinquent act against the  
26 victim.

27 2. Any hearing on a proposed modification of the terms of probation  
28 or intensive probation.

29 3. The arrest of a delinquent pursuant to a warrant issued for a  
30 probation violation.

31 B. On request of a victim who has provided a current address or  
32 other current contact information, the probation department shall notify  
33 the victim of the following:

34 1. Any proposed modification to any term of probation if the  
35 modification affects restitution or incarceration status or the  
36 delinquent's contact with or the safety of the victim.

37 2. The victim's right to be heard at a hearing that is set to  
38 consider any modification to be made to any term of probation.

39 3. Any violation of any term of probation that results in the  
40 filing with the court of a petition to revoke probation.

41 4. That a petition to revoke probation alleging that the juvenile  
42 absconded from probation has been filed with the court.

43 5. Any conduct by the juvenile that raises a substantial concern  
44 for the victim's safety.

1 C. If a victim has requested postadjudication notice and probation  
2 is revoked and the juvenile is committed to the department of juvenile  
3 corrections, the ~~court~~ PROBATION DEPARTMENT shall notify the department of  
4 juvenile corrections of the victim's request.

5 D. On request of the victim, the department of juvenile corrections  
6 shall notify the victim of any of the following:

7 1. Any proceeding in which the department may revoke the  
8 conditional liberty of the delinquent who committed the delinquent act  
9 against the victim.

10 2. A modification of the terms of conditional liberty only if the  
11 modification will substantially affect the delinquent's contact with the  
12 victim or the safety of the victim or if the modification affects  
13 restitution or secure care status.

14 3. The arrest of a delinquent pursuant to a warrant issued for a  
15 conditional liberty violation.

16 Sec. 5. Section 8-407, Arizona Revised Statutes, is amended to  
17 read:

18 8-407. Victim's discretion; form of statement

19 A. The victim has discretion to exercise the victim's rights under  
20 this article to be present and be heard at a court proceeding, and the  
21 absence of the victim at the court proceeding does not preclude the court  
22 from continuing the proceeding.

23 B. Except as provided in subsection C OF THIS SECTION, a victim's  
24 right to be heard may be exercised through an oral statement, submission  
25 of a written statement or submission of a statement through audiotape or  
26 videotape OR ANY OTHER VIDEO OR DIGITAL MEDIA.

27 C. If a person against whom a delinquent act has been committed is  
28 in custody for an offense, the person may be heard by submitting a written  
29 statement to the court.

30 Sec. 6. Section 8-413, Arizona Revised Statutes, is amended to  
31 read:

32 8-413. Victim's right to privacy; exception; definitions

33 A. The victim has the right at any court proceeding not to testify  
34 regarding any identifying or locating information unless the victim  
35 consents or the court orders disclosure on finding that a compelling need  
36 for the information exists. A court proceeding on the motion shall be in  
37 camera.

38 B. A victim's identifying and locating information that is  
39 obtained, compiled or reported by a law enforcement agency or prosecution  
40 agency shall be redacted by the originating agency and prosecution  
41 agencies from records pertaining to the criminal case involving the  
42 victim, including discovery disclosed to the defendant.

43 C. Subsection B of this section does not apply to:

44 1. The victim's name EXCEPT, IF THE VICTIM IS A MINOR, THE VICTIM'S  
45 NAME MAY BE REDACTED FROM PUBLIC RECORDS PERTAINING TO THE CRIME IF THE

1 COUNTERVAILING INTERESTS OF CONFIDENTIALITY, PRIVACY, THE RIGHTS OF THE  
2 MINOR OR THE BEST INTERESTS OF THIS STATE OUTWEIGH THE PUBLIC INTEREST IN  
3 DISCLOSURE.

4 2. Any records that are transmitted between law enforcement and  
5 prosecution agencies or a court.

6 3. Any records if the victim OR, IF THE VICTIM IS A MINOR, THE  
7 VICTIM'S REPRESENTATIVE AS DESIGNATED UNDER SECTION 8-384 OR 13-4403 has  
8 consented to the release of the information.

9 4. The general location at which the reported crime occurred.

10 D. For the purposes of this section:

11 1. "Identifying information" includes a victim's date of birth,  
12 social security number and official state or government issued driver  
13 license or identification number.

14 2. "Locating information" includes the victim's address, telephone  
15 number, e-mail address and place of employment.

16 Sec. 7. Section 8-415, Arizona Revised Statutes, is amended to  
17 read:

18 8-415. Effect of failure to comply

19 A. The failure to comply with a victim's constitutional or  
20 statutory right is a ground for the victim to request a reexamination  
21 proceeding within ten days after the proceeding at which the victim's  
22 right was denied or with leave of the court for good cause shown. After  
23 the victim requests a reexamination proceeding and after the court gives  
24 reasonable notice, the court shall afford the victim a reexamination  
25 proceeding to consider the issues raised by the denial of the victim's  
26 right. Except as provided in subsection B of this section, the court  
27 shall reconsider any decision that arises from a proceeding in which the  
28 victim's right was not protected and shall ensure that the victim's rights  
29 are thereafter protected.

30 B. The failure to use reasonable efforts to perform a duty or  
31 provide a right is not cause to seek to set aside an adjudication or  
32 disposition after trial. Failure to afford a right under this chapter  
33 shall not provide grounds for a new trial. A victim who was given notice  
34 of a plea or sentencing proceeding may make a motion to reopen a plea or  
35 sentence only if the victim was not voluntarily absent from the proceeding  
36 and has asserted the right to be heard before or during the proceeding at  
37 issue and the right to be heard was denied and, in the case of a plea, the  
38 accused has not pled to the highest offense charged. This subsection does  
39 not affect the victim's right to restitution, which the victim may seek to  
40 enforce at any time.

41 C. Unless the juvenile is discharged from the juvenile's sentence,  
42 the failure to use reasonable efforts to provide notice and a right to be  
43 present or be heard pursuant to this chapter at a proceeding that involves  
44 a ~~postconviction~~ POSTADJUDICATION release is a ground for the victim to

1 seek to set aside the ~~postconviction~~ POSTADJUDICATION release until the  
2 victim is afforded the opportunity to be present or be heard.

3 D. If the victim seeks to have a ~~postconviction~~ POSTADJUDICATION  
4 release set aside pursuant to subsection C of this section, the court or  
5 department of juvenile corrections shall afford the victim a reexamination  
6 proceeding after the parties are given notice.

7 E. A reexamination proceeding conducted pursuant to this section or  
8 any other proceeding that is based on the failure to perform a duty or  
9 provide a right shall commence not more than thirty days after the  
10 appropriate parties have been given notice that the victim is exercising  
11 the right to a reexamination proceeding pursuant to this section or to  
12 another proceeding based on the failure to perform a duty or provide a  
13 right.

14 Sec. 8. Title 12, chapter 9, Arizona Revised Statutes, is amended  
15 by adding article 12, to read:

16 ARTICLE 12. MONETARY JUDGMENT AWARDS TO PRISONERS

17 12-1721. Monetary judgment awarded to prisoners; outstanding  
18 restitution and incarceration costs

19 A. IN ANY CIVIL ACTION, A MONETARY JUDGMENT MAY NOT BE PAID TO A  
20 PERSON WHO IS OR WAS PREVIOUSLY INCARCERATED IN THE STATE DEPARTMENT OF  
21 CORRECTIONS BEFORE ALL RESTITUTION AND INCARCERATION COSTS OWED BY THE  
22 PERSON ARE PAID IF THE MONETARY JUDGMENT IS AGAINST THIS STATE, A  
23 POLITICAL SUBDIVISION OF THIS STATE, ANY PRISON, JAIL OR CORRECTIONAL  
24 FACILITY OR ANY OFFICER OR AGENT OF A PRISON, JAIL OR CORRECTIONAL  
25 FACILITY. IF THE MONETARY JUDGMENT IS NOT SUFFICIENT TO PAY BOTH  
26 RESTITUTION AND INCARCERATION COSTS THAT ARE OWED, THE MONETARY JUDGMENT  
27 MUST FIRST BE USED TO PAY ANY OUTSTANDING RESTITUTION AND ANY REMAINING  
28 BALANCE MAY BE USED TO PAY OUTSTANDING INCARCERATION COSTS.

29 B. IF THE VICTIM WAS ORDERED BY THE COURT TO RECEIVE RESTITUTION  
30 THROUGH THE CLERK OF THE SUPERIOR COURT, THIS STATE, THE POLITICAL  
31 SUBDIVISION OF THIS STATE OR THE PRISON, JAIL OR CORRECTIONAL FACILITY  
32 THAT WAS ORDERED TO PROVIDE THE MONETARY JUDGMENT MAY TRANSFER THE MONEY  
33 TO THE CLERK OF THE SUPERIOR COURT FOR DISTRIBUTION TO THE VICTIM.

34 Sec. 9. Section 13-4405, Arizona Revised Statutes, is amended to  
35 read:

36 13-4405. Information provided to victim by law enforcement  
37 agencies

38 A. As soon after the detection of a criminal offense as the victim  
39 may be contacted without interfering with an investigation or arrest, the  
40 law enforcement agency that has responsibility for investigating the  
41 criminal offense shall provide ELECTRONIC FORMS, PAMPHLETS, INFORMATION  
42 CARDS OR OTHER MATERIALS TO the victim ~~with a multicopy form~~:

43 1. That allows the victim to request or waive applicable rights to  
44 which the victim is entitled, on request, under this article.

1           2. That provides the victim a method to designate a lawful  
2 representative if the victim chooses pursuant to section 13-4403,  
3 subsection A or section 13-4404.

4           3. That provides notice to the victim of all of the following  
5 information:

6           (a) The victim's right under the victims' bill of rights, article  
7 II, section 2.1, Constitution of Arizona, to be treated with fairness,  
8 respect and dignity and to be free of intimidation, harassment or abuse  
9 throughout the criminal or juvenile justice process.

10          (b) The availability, if any, of crisis intervention services and  
11 emergency and medical services and, where applicable, that medical  
12 expenses arising out of the need to secure evidence may be reimbursed  
13 pursuant to section 13-1414.

14          (c) In cases of domestic violence, the procedures and resources  
15 available for the protection of the victim pursuant to section 13-3601.

16          (d) The names and telephone numbers of public and private victim  
17 assistance programs, including the county victim compensation program and  
18 programs that provide counseling, treatment and other support services.

19          (e) The police report number, if available, other identifying case  
20 information and the following statement:

21           If within thirty days you are not notified of an arrest in  
22 your case, you may call (the law enforcement agency's  
23 telephone number) for the status of the case.

24          (f) Whether the suspect is an adult or juvenile, a statement that  
25 the victim will be notified by the law enforcement agency at the earliest  
26 opportunity after the arrest of a suspect.

27          (g) If the suspect is an adult and has been arrested, the victim's  
28 right, on request, to be informed of the suspect's release, of the next  
29 regularly scheduled time, place and date for initial appearances in the  
30 jurisdiction and of the victim's right to be heard at the initial  
31 appearance and that, to exercise these rights, the victim is advised to  
32 contact the custodial agency regarding the suspect's release and to  
33 contact the court regarding any changes to the initial appearance  
34 schedule.

35          (h) If the victim chooses to exercise the right to be heard through  
36 a written statement, how that statement may be submitted to the court.

37          (i) That the victim or the immediate family member of the victim,  
38 if the victim is killed or incapacitated, has the right to receive one  
39 copy of the police report, including any supplements to the report, from  
40 the investigating law enforcement agency at no charge pursuant to section  
41 39-127.

42          B. If at the time of contact with a law enforcement agency the  
43 victim is physically or emotionally unable to request or waive applicable  
44 rights, the law enforcement agency shall designate this ~~on the multicopy~~  
45 ~~form~~ IN THE FORMAT THAT IS AUTHORIZED BY SUBSECTION A OF THIS SECTION and

1 the entities that may be subsequently affected shall presume that the  
2 victim invoked the victim's right to request applicable rights to which  
3 the victim is entitled, on request, unless the victim later waives those  
4 rights.

5 C. The law enforcement agency shall submit a copy of the victim's  
6 request or waiver of preconviction rights form to the custodial agency and  
7 a copy to the prosecutor if a suspect is arrested, at the time the suspect  
8 is taken into custody. If there is no arrest, the form copies shall be  
9 submitted to the prosecutor at the time the case is otherwise presented to  
10 the prosecutor for review. The prosecutor shall submit a copy of the  
11 victim's request or waiver of preconviction rights form to the departments  
12 or sections of the prosecutor's office, if applicable, that are mandated  
13 by this article to provide victims' rights services on request.

14 D. If the suspected offender is cited and released, the law  
15 enforcement agency responsible for investigating the offense shall inform  
16 the victim of the court date and how to obtain additional information  
17 about the subsequent criminal proceedings.

18 E. Law enforcement agencies within a county may establish different  
19 procedures designed to efficiently and effectively provide notice of the  
20 victim's rights pursuant to this section and notice to affected entities  
21 of the victim request or waiver information. If different procedures are  
22 established, the procedures shall:

23 1. Be reported to the entities within a county affected by the  
24 procedures and reported to the attorney general.

25 2. Be designed so that custodial agencies and prosecutors within a  
26 county receive notice of the victim's request or waiver of the victim's  
27 preconviction rights at the same time that an adult suspect is arrested.

28 3. Be designed so that prosecutors within a county receive notice  
29 of the victim's request or waiver of the victim's preconviction rights, if  
30 there is no arrest, at the same time that the case is otherwise presented  
31 to the prosecutor for review.

32 4. Provide that the notice to affected entities of a victim's  
33 request or waiver of the victim's preconviction rights includes  
34 information that affords the affected entity the ability to contact the  
35 victim.

36 5. Be supported by use of **ELECTRONIC FORMS**, brochures, ~~forms~~ or  
37 other written materials that are developed by the law enforcement agencies  
38 within a county and reviewed by the attorney general pursuant to section  
39 13-4417, subsection B.

40 F. If a suspect has not been arrested at the time of contact with  
41 the victim pursuant to subsection A of this section, the law enforcement  
42 agency that is responsible for investigating the offense shall notify the  
43 victim of the arrest of a suspect at the earliest opportunity after the  
44 arrest and of the time, place and date for the initial appearance.

1           Sec. 10. Section 13-4407, Arizona Revised Statutes, is amended to  
2 read:

3           13-4407. Notice of terms and conditions of release

4           ~~Upon~~ ON the request of the victim, the custodial agency shall  
5 provide a copy of the terms and conditions of release to the victim unless  
6 the accused appeared in response to a summons. In that case, ~~upon~~ ON  
7 request of the victim, the prosecutor's office ~~shall~~, on receiving such  
8 information, SHALL provide a copy of the terms and conditions of release  
9 to the victim. THE COPY OF THE TERMS AND CONDITIONS OF RELEASE MAY BE  
10 PROVIDED TO THE VICTIM IN AN ELECTRONIC FORM, PAMPHLET, INFORMATION CARD  
11 OR OTHER MATERIAL.

12           Sec. 11. Section 13-4415, Arizona Revised Statutes, is amended to  
13 read:

14           13-4415. Notice of probation modification, termination or  
15 revocation disposition matters; notice of arrest

16           A. On request of a victim who has provided an address or other  
17 contact information, the court shall notify the victim of any of the  
18 following:

19           1. A probation revocation disposition proceeding or any proceeding  
20 in which the court is asked to terminate the probation or intensive  
21 probation of a person who is convicted of committing a criminal offense  
22 against the victim.

23           2. Any hearing on a proposed modification of the terms of probation  
24 or intensive probation.

25           3. The arrest of a person who is on supervised probation and who is  
26 arrested pursuant to a warrant issued for a probation violation.

27           B. On request of a victim who has provided a current address or  
28 other current contact information, the probation department shall notify  
29 the victim of the following:

30           1. Any proposed modification to any term of probation if the  
31 modification affects restitution or incarceration status or the  
32 defendant's contact with or the safety of the victim.

33           2. The victim's right to be heard at a hearing that is set to  
34 consider any modification to be made to any term of probation.

35           3. Any violation of any term of probation that results in the  
36 filing with the court of a petition to revoke probation.

37           4. That a petition to revoke probation alleging that the defendant  
38 absconded from probation has been filed with the court.

39           5. Any conduct by the defendant that raises a substantial concern  
40 for the victim's safety.

41           C. IF A VICTIM HAS REQUESTED POSTCONVICTION NOTICE, THE COURT SHALL  
42 PROVIDE NOTICE OF THAT REQUEST TO THE STATE DEPARTMENT OF CORRECTIONS AND  
43 THE BOARD OF EXECUTIVE CLEMENCY IF A DEFENDANT'S PROBATION IS REVOKED AND  
44 THE DEFENDANT IS COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF  
45 CORRECTIONS.

1 D. ON THE REQUEST OF A VICTIM, THE STATE DEPARTMENT OF CORRECTIONS  
2 SHALL PROVIDE THE VICTIM WITH THE NOTICES THAT ARE REQUIRED BY SECTIONS  
3 13-4412 AND 13-4413.

4 E. ON THE REQUEST OF THE VICTIM, THE BOARD OF EXECUTIVE CLEMENCY  
5 SHALL PROVIDE THE VICTIM WITH THE NOTICE THAT IS REQUIRED BY SECTION  
6 13-4414.

7 Sec. 12. Section 13-4428, Arizona Revised Statutes, is amended to  
8 read:

9 13-4428. Victim's discretion; form of statement

10 A. It is at the victim's discretion to exercise ~~his~~ THE VICTIM'S  
11 rights under this chapter to be present and heard at a court proceeding,  
12 and the absence of the victim at the court proceeding does not preclude  
13 the court from going forth with the proceeding.

14 B. Except as provided in subsection C OF THIS SECTION, a victim's  
15 right to be heard may be exercised, at the victim's discretion, through an  
16 oral statement, submission of a written statement or submission of a  
17 statement through audiotape or videotape OR ANY OTHER VIDEO OR DIGITAL  
18 MEDIA.

19 C. If a person against whom a criminal offense has been committed  
20 is in custody for an offense, the person may be heard by submitting a  
21 written statement to the court.