

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 1. Of Crimes and Punishments (Refs & Annos)

Title 17. Rights of Victims and Witnesses of Crime (Refs & Annos)

West's Ann.Cal.Penal Code § 679.02

§ 679.02. Statutory rights of victims and witnesses of crimes

Effective: January 1, 2024

Currentness

(a) The following rights are hereby established as the statutory rights of victims and witnesses of crimes:

(1) To be notified as soon as feasible that a court proceeding to which the victim or witness has been subpoenaed as a witness will not proceed as scheduled, provided the prosecuting attorney determines that the witness' attendance is not required.

(2) Upon request of the victim or a witness, to be informed by the prosecuting attorney of the final disposition of the case, as provided by [Section 11116.10](#).

(3) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all sentencing proceedings, and of the right to appear, to reasonably express their views, have those views preserved by audio or video means as provided in [Section 1191.16](#), and to have the court consider their statements, as provided by [Sections 1191.1](#) and [1191.15](#).

(4) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all juvenile disposition hearings in which the alleged act would have been a felony if committed by an adult, and of the right to attend and to express their views, as provided by [Section 656.2 of the Welfare and Institutions Code](#).

(5) Upon request by the victim or the next of kin of the victim if the victim has died, to be notified of any parole eligibility hearing and of the right to appear, either personally as provided by [Section 3043](#), or by other means as provided by [Sections 3043.2 and 3043.25](#), to reasonably express their views, and to have their statements considered, as provided by [Section 3043](#) of this code and by [Section 1767 of the Welfare and Institutions Code](#).

(6) Upon request by the victim or the next of kin of the victim if the crime was a homicide, to be notified of an inmate's placement in a reentry or work furlough program, or notified of the inmate's escape as provided by [Section 11155](#).

(7) To be notified that a witness may be entitled to witness fees and mileage, as provided by [Section 1329.1](#).

(8) For the victim, to be provided with information concerning the victim's right to civil recovery and the opportunity to be compensated from the Restitution Fund pursuant to Chapter 5 (commencing with [Section 13959](#)) of Part 4 of Division 3 of Title 2 of the Government Code and [Section 1191.2](#) of this code.

(9) To the expeditious return of property that has allegedly been stolen or embezzled, when it is no longer needed as evidence, as provided by Chapter 12 (commencing with [Section 1407](#)) and Chapter 13 (commencing with [Section 1417](#)) of Title 10 of Part 2.

(10) To an expeditious disposition of the criminal action.

(11) To be notified, if applicable, in accordance with [Sections 679.03](#) and [3058.8](#) if the defendant is to be placed on parole.

(12) For the victim, upon request, to be notified of any pretrial disposition of the case, to the extent required by [Section 28 of Article I of the California Constitution](#).

(A) A victim may request to be notified of a pretrial disposition.

(B) The victim may be notified by any reasonable means available.

(C) This paragraph is not intended to affect the right of the people and the defendant to an expeditious disposition as provided in [Section 1050](#).

(13) For the victim, to be notified by the district attorney's office of the right to request, upon a form provided by the district attorney's office, and receive a notice pursuant to paragraph (14), if the defendant is convicted of any of the following offenses:

(A) Assault with intent to commit rape, sodomy, oral copulation, or any violation of [Section 264.1, 288, or 289](#), in violation of [Section 220](#).

(B) A violation of [Section 207 or 209](#) committed with the intent to commit a violation of [Section 261, 286, 287, 288, or 289](#), or former [Section 262 or 288a](#).

(C) Rape, in violation of [Section 261](#).

(D) Oral copulation, in violation of [Section 287](#) or former Section 288a.

(E) Sodomy, in violation of [Section 286](#).

(F) A violation of [Section 288](#).

(G) A violation of [Section 289](#).

(14) When a victim has requested notification pursuant to paragraph (13), the sheriff shall inform the victim that the person who was convicted of the offense has been ordered to be placed on probation, and give the victim notice of the proposed date upon which the person will be released from the custody of the sheriff.

(15) For the victim, to be notified of the availability of community-based restorative justice programs and processes available to them, including, but not limited to, programs serving their community, county, county jails, juvenile detention facilities, and the Department of Corrections and Rehabilitation. The victim has a right to be notified as early and often as possible, including during the initial contact, during followup investigation, at the point of diversion, throughout the process of the case, and in postconviction proceedings.

(b) The rights set forth in subdivision (a) shall be set forth in the information and educational materials prepared pursuant to [Section 13897.1](#). The information and educational materials shall be distributed to local law enforcement agencies and local victims' programs by the Victims' Legal Resource Center established pursuant to Chapter 11 (commencing with [Section 13897](#)) of Title 6 of Part 4.

(c) Local law enforcement agencies shall make available copies of the materials described in subdivision (b) to victims and witnesses.

(d) This section is not intended to affect the rights and services provided to victims and witnesses by the local assistance centers for victims and witnesses.

(e) The court shall not release statements made pursuant to paragraph (3) or (4) of subdivision (a) to the public prior to the statement being heard in court.

### Credits

(Added by Stats.1986, c. 1427, § 1. Amended by Stats.1988, c. 33, § 1; Stats.1988, c. 137 (S.B.1476), § 1; Stats.1995, c. 411 (S.B.221), § 2; Stats.1997, c. 902 (A.B.152), § 1; Stats.1998, c. 928 (A.B.1927), § 2; Stats.2009-2010, 4th Ex.Sess., c. 12 (A.B.12), § 28, eff. July 28, 2009; Stats.2011, c. 77 (A.B.886), § 1; Stats.2018, c. 423 (S.B.1494), § 74, eff. Jan. 1, 2019; Stats.2021, c. 626 (A.B.1171), § 35, eff. Jan. 1, 2022; Stats.2023, c. 513 (A.B.60), § 2, eff. Jan. 1, 2024.)

West's Ann. Cal. Penal Code § 679.02, CA PENAL § 679.02

Current with urgency legislation through Ch. 1002 of 2024 Reg.Sess. Some statute sections may be more current, see credits for details.