

Cameron R. Culbertson
Scott County Attorney

198 East Washington Street
Georgetown, KY 40324
(502) 863 - 7870

On November 3, 2020, Kentuckians voted to approve a new constitutional amendment, also known as "Marsy's Law." The text of this constitutional amendment is attached.

You are receiving this letter because you were listed as a victim of a criminal offense in the case of Commonwealth v. _____, Scott District Court, Case _____.

If you wish to assert your rights under this constitutional amendment, you may do so by filling out the attached "Notice of Victim's Assertion of Rights" form and returning the form to our office within seven (7) days of receipt of this letter. When you return the form and wish that we contact you, you must also provide your contact information to our office in the form of a current phone number, email address and physical mailing address. If we do not receive this form from you containing the requested information, we will assume that you do not wish to assert your rights under Marsy's Law.

Our office is located at 198 East Washington Street, Georgetown, KY 40324. We can also be reached by telephone at (502) 863 - 7870 or I can be reached via email at cameron.culbertson@scottky.gov. Thank you for your time and attention to this matter.

Sincerely,

Cameron R. Culbertson
Scott County Attorney's Office

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Text of "Marsy's Law" Kentucky Constitutional Amendment

To secure for victims of criminal acts or public offenses justice and due process and to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, a victim, as defined by law which takes effect upon the enactment of this section and which may be expanded by the General Assembly, shall have the following rights, which shall be respected and protected by law in a manner no less vigorous than the protections afforded to the accused in the criminal and juvenile justice systems: victims shall have the reasonable right, upon request, to timely notice of all proceedings and to be heard in any proceeding involving a release, plea, sentencing, or in the consideration of any pardon, commutation of sentence, granting of a reprieve, or other matter involving the right of a victim other than grand jury proceedings; the right to be present at the trial and all other proceedings, other than grand jury proceedings, on the same basis as the accused; the right to proceedings free from unreasonable delay; the right to consult with the attorney for the Commonwealth or the attorney's designee; the right to reasonable protection from the accused and those acting on behalf of the accused throughout the criminal and juvenile justice process; the right to timely notice, upon request, of release or escape of the accused; the right to have the safety of the victim and the victim's family considered in setting bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction; the right to full restitution to be paid by the convicted or adjudicated party in a manner to be determined by the court, except that in the case of a juvenile offender the court shall determine the amount and manner of paying the restitution taking into consideration the best interests of the juvenile offender and the victim; the right to fairness and due consideration of the crime victim's safety, dignity, and privacy; and the right to be informed of these enumerated rights, and shall have standing to assert these rights. The victim, the victim's attorney or other lawful representative, or the attorney for the Commonwealth upon request of the victim may seek enforcement of the rights enumerated in this section and any other right afforded to the victim by law in any trial or appellate court with jurisdiction over the case. The court shall act promptly on such a request and afford a remedy for the violation of any right. Nothing in this section shall afford the victim party status, or be construed as altering the presumption of innocence in the criminal justice system. The accused shall not have standing to assert the rights of a victim. Nothing in this section shall be construed to alter the powers, duties, and responsibilities of the prosecuting attorney. Nothing in this section or any law enacted under this section creates a cause of action for compensation, attorney's fees, or damages against the Commonwealth, a county, city, municipal corporation, or other political subdivision of the Commonwealth, an officer, employee, or agent of the Commonwealth, a county, city, municipal 18 corporation, or any political subdivision of the Commonwealth, or an officer or employee of the court. Nothing in this section or any law enacted under this section shall be construed as creating: (1) A basis for vacating a conviction; or (2) A ground for any relief requested by the defendant.

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Notice of Victim's Assertion of Rights

Commonwealth v. _____ Case No. _____

County: Scott

Pursuant to KRS 421.500 I assert the rights checked below that are guaranteed to me under the Kentucky Constitution. I understand that if I change my mind, I must complete and sign a new Notice of Victim's Assertion of Rights and give the form to the Scott County Attorney's Office.

The right to timely notification of all court proceedings

The right to consult with the prosecutor or designee

The right to be heard at a proceeding in which one of my rights is at issue and any court proceeding involving a post-arraignment release decision, plea or sentencing, pardon or commutation.

Timely notice of release or escape of the accused. To receive notification, you must register through VINE at www.vinelink.com or 1-800-511-1670.

The right to be present at the trial and all other court proceeding on the same basis as the accused.

Printed name of victim

Signature of Victim

Date

Phone number of Victim

Email address of Victim

Mailing address of Victim