

24-4.1-302 -. Definitions

As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

- (1) "Crime" means any of the following offenses, acts, and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile:
- (a) Murder in the first degree, in violation of section 18-3-102, C.R.S.;
 - (b) Murder in the second degree, in violation of section 18-3-103, C.R.S.;
 - (c) Manslaughter, in violation of section 18-3-104, C.R.S.;
 - (d) Criminally negligent homicide, in violation of section 18-3-105, C.R.S.;
 - (e) Vehicular homicide, in violation of section 18-3-106, C.R.S.;
 - (f) Assault in the first degree, in violation of section 18-3-202, C.R.S.;
 - (g) Assault in the second degree, in violation of section 18-3-203, C.R.S.;
 - (h) Assault in the third degree, in violation of section 18-3-204, C.R.S.;
 - (i) Vehicular assault, in violation of section 18-3-205, C.R.S.;
 - (j) Menacing, in violation of section 18-3-206, C.R.S.;
 - (k) (Deleted by amendment, L. 95, p. 1256, § 22, effective July 1, 1995.)
 - (l) First degree kidnapping, in violation of section 18-3-301, C.R.S.;
 - (m) Second degree kidnapping, in violation of section 18-3-302, C.R.S.;
 - (n)
 - (I) Sexual assault, in violation of section 18-3-402, C.R.S.; or
 - (II) Sexual assault in the first degree, in violation of section 18-3-402, C.R.S., as it existed prior to July 1, 2000;
 - (o) Sexual assault in the second degree, in violation of section 18-3-403, C.R.S., as it existed prior to July 1, 2000;
 - (p)
 - (I) Unlawful sexual contact, in violation of section 18-3-404, C.R.S.; or
 - (II) Sexual assault in the third degree, in violation of section 18-3-404, C.R.S., as it existed prior to July 1, 2000;
 - (q) Sexual assault on a child, in violation of section 18-3-405, C.R.S.;
 - (r) Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.;
 - (s) Sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, C.R.S.;
 - (s.3) Invasion of privacy for sexual gratification, in violation of section 18-3-405.6, C.R.S.;
 - (t) Robbery, in violation of section 18-4-301, C.R.S.;
 - (u) Aggravated robbery, in violation of section 18-4-302, C.R.S.;
 - (v) Aggravated robbery of controlled substances, in violation of section 18-4-303, C.R.S.;
 - (w) Repealed.
 - (x) Incest, in violation of section 18-6-301, C.R.S.;
 - (y) Aggravated incest, in violation of section 18-6-302, C.R.S.;
 - (z) Child abuse, in violation of section 18-6-401, C.R.S.;
 - (aa) Sexual exploitation of children, in violation of section 18-6-403, C.R.S.;
 - (bb) Crimes against at-risk adults or at-risk juveniles, in violation of section 18-6.5-103, C.R.S.;
 - (bb.3) Any crime identified by law enforcement prior to the filing of charges as domestic violence, as defined in section 18-6-800.3 (1), C.R.S.;
 - (bb.7) An act identified by a district attorney in a formal criminal charge as domestic violence, as defined in section 18-6-800.3 (1), C.R.S.;
 - (cc) Any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., pursuant to section 18-6-801 (1), C.R.S.;
 - (cc.1)

- (l)** Stalking, in violation of section 18-3-602, C.R.S.;
- (ll)** Stalking, in violation of section 18-9-111 (4), C.R.S., as it existed prior to August 11, 2010;
- (cc.3)** A bias-motivated crime, in violation of section 18-9-121, C.R.S.;
- (cc.5)** Careless driving, in violation of section 42-4-1402, C.R.S., that results in the death of another person;
- (cc.6)** Failure to stop at the scene of an accident, in violation of section 42-4-1601, where the accident results in the death or serious bodily injury of another person;
- (dd)** Any criminal attempt, as described in section 18-2-101, C.R.S., any conspiracy, as described in section 18-2-201, C.R.S., any criminal solicitation, as described in section 18-2-301, C.R.S., and any accessory to a crime, as described in section 18-8-105, C.R.S., involving any of the crimes specified in this subsection (1);
- (ee)** Retaliation against a witness or victim, in violation of section 18-8-706, C.R.S.;
- (ee.3)** Intimidating a witness or a victim, in violation of section 18-8-704, C.R.S.;
- (ee.7)** Aggravated intimidation of a witness or a victim, in violation of section 18-8-705, C.R.S.;
- (ff)** Tampering with a witness or victim, in violation of section 18-8-707, C.R.S.;
- (gg)** Indecent exposure, in violation of section 18-7-302, C.R.S.;
- (hh)** Violation of a protection order issued under section 18-1-1001 against a person charged with committing sexual assault in violation of section 18-3-402, sexual assault on a child in violation of section 18-3-405, sexual assault on a child by one in a position of trust in violation of section 18-3-405.3, sexual assault on a client by a psychotherapist in violation of section 18-3-405.5, or stalking in violation of section 18-3-602;
- (ii)** Human trafficking in violation of section 18-3-503 or 18-3-504, C.R.S.;
- (jj)** First degree burglary, in violation of section 18-4-202, C.R.S.;
- (kk)** Retaliation against a judge, in violation of section 18-8-615, C.R.S.; retaliation against a prosecutor, in violation of section 18-8-616, C.R.S.; or retaliation against a juror, in violation of section 18-8-706.5, C.R.S.;
- (ll)** Child prostitution, in violation of section 18-7-401, C.R.S.; soliciting for child prostitution, in violation of section 18-7-402, C.R.S.; procurement of a child for sexual exploitation, in violation of section 18-6-404, C.R.S.; pimping of a child, in violation of section 18-7-405, C.R.S.; inducement of child prostitution, in violation of section 18-7-405.5, C.R.S.; or patronizing a prostituted child, in violation of section 18-7-406, C.R.S.;
- (mm)** Posting a private image for harassment in violation of section 18-7-107 or posting a private image for pecuniary gain in violation of section 18-7-108.
- (1.2)** "Cold case" means a felony crime reported to law enforcement that has remained unsolved for over one year after the crime was initially reported to law enforcement and for which the applicable statute of limitations has not expired.
- (1.3)** "Correctional facility" means any private or public entity providing correctional services to offenders pursuant to a court order including, but not limited to a county jail, a community corrections provider, the division of youth services, and the department of corrections.
- (1.5)** "Correctional official" means any employee of a correctional facility.
- (2)** "Critical stages" means the following stages of the criminal justice process:
 - (a)** The filing of charges against a person accused of a crime;
 - (a.5)** The decision not to file charges against a person accused of a crime;
 - (a.7)** The decision to enter into a diversion agreement pursuant to section 18-1.3-101, C.R.S.;
 - (b)** The preliminary hearing;
 - (c)** (l) Any court action involving a bond reduction or modification at which the following occurs:
 - (A)** A bond is set lower than the scheduled or customary amount for the specific charge, including any adjustments made by the court to the amount of bond to correspond to the specific charge to which the defendant pled guilty or for which the defendant was convicted, if the adjusted bond is lower than the scheduled or customary amount for the specific charge;
 - (B)** A change in the type of bond;

- (C) A modification to a condition of the bond;
- (D) A defendant is permitted to appear without posting a bond;
- (E) In a case involving a capital offense, the court grants the defendant's motion for admission to bail pursuant to section 16-4-101 (3), C.R.S.; or
- (F) For jurisdictions that do not have a bond schedule or customary amount for bond, a bond is modified to a lower amount than that set at the initial bond hearing.
- (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (c), the following shall not constitute a bond reduction or modification:
 - (A) The initial setting of a bond, whether set by the court at the first appearance or by another entity authorized to do so by the court prior to the first appearance;
 - (B) The setting of a new bond upon the filing of charges by the district attorney, so long as the bond is set at or above the scheduled or customary amount for the specific charge filed; and
 - (C) For nonbailable offenses pursuant to section 16-4-101, C.R.S., the subsequent setting of a bond by the court.
- (d) The arraignment of a person accused of a crime;
- (e) Any hearing on motions concerning evidentiary matters or pre-plea or post-plea relief;
- (e.5) Any subpoena for records concerning the victim's medical history, mental health, education, or victim's compensation;
- (f) Any disposition of the complaint or charges against the person accused;
- (g) The trial;
- (h) Any sentencing or resentencing hearing;
- (i) Any appellate review or appellate decision;
- (j) Any modification of the sentence pursuant to rule 35 (a) or 35 (b) of the Colorado rules of criminal procedure or any other provision of state or federal law;
- (j.5) Any court-ordered modification of the terms and conditions of probation as described in section 18-1.3-204 or 19-2-925 and as outlined in section 24-4.1-303 (13.5)(a);
- (k) Any probation revocation hearing;
- (k.3) The filing of any complaint, summons, or warrant by the probation department for failure to report to probation or because the location of a person convicted of a crime is unknown;
- (k.5) The change of venue or transfer of probation supervision from one jurisdiction to another;
- (k.7) The request for any release from probation supervision prior to the expiration of the defendant's sentence;
- (l) An attack on a judgment or conviction for which a court hearing is set;
- (m) Any parole application hearing and full parole board review hearing;
- (n) The parole, release, or discharge from imprisonment of a person convicted of a crime;
- (o) Any parole revocation hearing;
- (p) The transfer to or placement of a person convicted of a crime in a nonsecured facility;
- (q) The transfer, release, or escape of a person charged with or convicted of a crime from any state hospital;
- (r) Any petition by a sex offender to terminate sex offender registration;
- (r.3)
 - (I) Except as provided in subsection (2)(r.3)(II) of this section, any hearing concerning a petition for expungement as described in section 19-1-306.
 - (II) The entry of an order of expungement is not a critical stage if:
 - (A) The case resulted in a not guilty verdict at trial;
 - (B) The case was dismissed in its entirety;
 - (C) The juvenile completed a sentence for a petty offense, any drug petty offense, any level 1 or level 2 drug misdemeanor, or a class 2 or class 3 misdemeanor offense not involving unlawful sexual behavior as defined in section 16-22-109 (9), domestic violence as described in section 18-6-800.3, or a crime that is a crime listed under section **24-4.1-302** (1); or

(D) The juvenile completed a sentence for a municipal offense not involving domestic violence as described in section 18-6-800.3.

(s) The execution of an offender in a capital case;

(t) A hearing held pursuant to section 18-1-414 (2)(b), C.R.S.;

(u) The decision, whether by court order, stipulation of the parties, or otherwise, to conduct postconviction DNA testing to establish the actual innocence of the person convicted of a crime against the victim; the results of any such postconviction DNA testing; and court proceedings initiated based on the result of the postconviction DNA testing. An inmate's written or oral request for such testing is not a "critical stage".

(v) A hearing held pursuant to section 24-72-706 or 24-72-709.

(3) "Lawful representative" means any person who is designated by the victim or appointed by the court to act in the best interests of the victim.

(3.5) "Modification of sentence" means an action taken by the court to modify the length, terms, or conditions of an offender's sentence pursuant to rule 35 (a) or (b) of the Colorado rules of criminal procedure; a resentencing following a probation revocation hearing; or a request for early termination of probation. As used in this subsection (3.5), "action taken by the court" includes an order by the court modifying an offender's sentence upon review of the written motion without a hearing but does not include an order denying a motion to modify a sentence without a hearing.

(4) "Significant other" means any person who is in a family-type living arrangement with a victim and who would constitute a spouse of the victim if the victim and such person were married.

(5) "Victim" means any natural person against whom any crime has been perpetrated or attempted, unless the person is accountable for the crime or a crime arising from the same conduct or plan as crime is defined under the laws of this state or of the United States, or, if such person is deceased or incapacitated, the person's spouse, parent, legal guardian, child, sibling, grandparent, grandchild, significant other, or other lawful representative. For purposes of notification under this part 3, any person under the age of eighteen years is considered incapacitated, unless that person is legally emancipated. It is the intent of the general assembly that this definition of the term "victim" shall apply only to this part 3 and shall not be applied to any other provision of the laws of the state of Colorado that refer to the term "victim".

(6) "Victim's immediate family" means the spouse, any child by birth or adoption, any stepchild, the parent, the stepparent, a sibling, a legal guardian, significant other, or a lawful representative of the victim.

(7) "Witness" means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime;

(b) Whose declaration under oath is received or has been received as evidence for any purpose;

(c) Who has reported any crime to any peace officer, correctional officer, or judicial officer;

(d) Who has been served with a subpoena issued under the authority of any court in this state, of any other state, or of the United States; or

(e) Who would be believed by any reasonable person to be an individual described in paragraph (a), (b), (c), or (d) of this subsection (7).

24-4.1-302.5. Rights afforded to victims - definitions

(1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(a) The right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process;

(b) The right to be informed of and present for all critical stages of the criminal justice process as specified in section **24-4.1-302** (2); except that the victim shall have the right to be informed

of, without being present for, the critical stages described in section **24-4.1-302** (2)(a), (2)(a.5), (2)(a.7), (2)(e.5), (2)(k.3), (2)(n), (2)(p), (2)(q), and (2)(u);

(b.5) Repealed.

(b.7) For a victim of a sex offense, the right to be informed of the filing of a petition by the perpetrator of the offense to terminate sex offender registration pursuant to section 16-22-113 (2) and (2.5);

(b.9) The right to receive a free copy of the initial incident report from the investigating law enforcement agency; except that the release of a document associated with the investigation is at the discretion of the law enforcement agency based on the status of the case or security and safety concerns in a correctional facility, local jail, or private contract prison as defined in section 17-1-102, C.R.S.;

(c) (I) Except as otherwise provided in subsection (1)(c)(II) of this section:

(A) The right to be informed when a person who is accused or convicted of a crime against the victim is released or discharged from county jail;

(B) The right to be informed when a person who is accused or convicted of a crime against the victim is released or discharged from custody other than county jail, is paroled, escapes from a secure or nonsecure correctional facility or program, or absconds from probation or parole.

(II) With respect to the release, discharge, or permanent transfer of a person from a county jail or correctional facility, the provisions of subparagraph (I) of this paragraph (c) shall apply when the person released, discharged, or permanently transferred is no longer within the care and control of the supervising law enforcement or correctional agency. The provisions of subparagraph (I) of this paragraph (c) shall not apply to the temporary transfer of the care and control of a person from a county jail or a correctional facility by the supervising law enforcement or correctional agency to another equally or more secure county jail or correctional facility, so long as the person will return to the care and control of the transferring supervisory agency.

(d) The right to be heard at any court proceeding:

(I) Involving the defendant's bond as specified in section **24-4.1-302** (2)(c);

(II) At which the court accepts a plea of nolo contendere;

(III) At which the court accepts a negotiated plea agreement;

(IV) At which a person accused or convicted of a crime against the victim is sentenced or resentenced;

(V) At which the sentence of a person accused or convicted of a crime against the victim is modified;

(VI) At which the defendant requests a modification of the no contact provision of the mandatory criminal protection order under section 18-1-1001, C.R.S., or section 19-2-707, C.R.S.;

(VII) Involving a subpoena for records concerning the victim's medical history, mental health, education, or victim compensation, or any other records that are privileged pursuant to section 13-90-107, C.R.S.; or

(VIII) Involving a petition for expungement as described in section 19-1-306.

(d.5)

(I) If a victim or a victim's designee is unavailable to be present for the critical stages described in paragraph (d) of this subsection (1) and the victim or the victim's designee wishes to address the court, the right to request that the court, within the court's resources, arrange and provide the means for the victim and the victim's designee to provide input to the court beyond a written victim impact statement.

(II) For purposes of this paragraph (d.5), "unavailable" means that the victim or the victim's designee is physically unable to attend the court hearing, may sustain a financial hardship to attend the court hearing, is concerned for his or her safety if he or she attends the court hearing,

may suffer significant emotional impact by attending the hearing, or is unavailable for other good cause.

(III) The victim or the victim's designee shall notify the district attorney within a reasonable time that he or she is unavailable to attend the court hearing. The district attorney's office shall then inform the court that the victim or the victim's designee, due to his or her unavailability, is requesting the court to arrange for and provide the means to address the court, which may include but need not be limited to appearing by phone or similar technology. The district attorney shall inform the victim or the victim's designee of the court's decision regarding an alternate arrangement.

(IV) This subsection (1)(d.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth services in the department of human services, but is limited to participation by telephone.

(e) The right to consult with the prosecution after any crime against the victim has been charged, prior to any disposition of the case, or prior to any trial of the case, and the right to be informed of the final disposition of the case;

(f) The right to be informed by local law enforcement agencies, prior to the filing of charges with the court, or by the district attorney, after the filing of charges with the court, of the status of any case concerning a crime against the victim, and any scheduling changes or cancellations, if such changes or cancellations are known in advance;

(g) The right to be present at the sentencing hearing, including any hearing conducted pursuant to section 18-1.3-1201 or 18-1.4-102, C.R.S., for cases involving class 1 felonies, of any person convicted of a crime against such victim, and to inform the district attorney and the court, in writing, by a victim impact statement, and by an oral statement, of the harm that the victim has sustained as a result of the crime, with the determination of whether the victim makes written input or oral input, or both, to be made at the sole discretion of the victim;

(h) The right to have the court determine the amount, if any, of restitution to be paid to a victim pursuant to part 6 of article 1.3 of title 18, C.R.S., by any person convicted of a crime against such victim for the actual pecuniary damages that resulted from the commission of the crime;

(i) The right to be informed of the victim's right to pursue a civil judgment against any person convicted of a crime against the victim for any damages incurred by the victim as a result of the commission of the crime regardless of whether the court has ordered such person to make restitution to the victim;

(i.5) (Deleted by amendment, L. 2006, p. 645, § 4, effective July 1, 2006.)

(j) The right to be informed of any proceeding at which any postconviction release from confinement in a secure state correctional facility is being considered for any person convicted of a crime against the victim and the right to be heard at any such proceeding or to provide written information thereto. For purposes of this subsection (1), "proceeding" means reconsideration of sentence, a parole hearing, a full parole board review, commutation of sentence, or consideration for placement in the specialized program developed by the department of corrections pursuant to section 17-34-102.

(j.2) The right to be informed of any request for progression from the state mental health hospital on behalf of a person in its custody as a result of a criminal case involving the victim, and the right to be heard at any hearing during which a court considers such a request. For purposes of this subsection (1)(j.2), "request for progression" includes any request for off-grounds or unsupervised privileges, community placement, conditional release, unconditional discharge, or a special furlough.

(j.3) The right to be notified of a referral of an offender to community corrections;

(j.5)

(l) The right to provide a written victim impact statement that will be included with any referral made by the department of corrections or a district court to place an offender in a community corrections facility or program. A community corrections board may allow a victim to provide an

oral statement to the community corrections board when an offender is being considered for a direct sentence to community corrections and may place reasonable limits on the victim's oral statement.

(II) For purposes of this paragraph (j.5), the victim shall have the right to provide a separate oral statement to the community corrections board considering a transitional referral, but the board shall have discretion to place reasonable parameters on the victim's oral statement. If a community corrections board denies the offender's referral to community corrections, the victim's right under this subparagraph (II) to provide an oral statement shall not take effect.

(III) For purposes of this subsection (1)(j.5), if a victim or a victim's designee is unavailable to be present for a proceeding to consider an offender for a direct sentence or transitional referral to community corrections as described in subsection (1)(j.5)(I) of this section, and the victim or the victim's designee wishes to address the community corrections board, the victim or the victim's designee shall notify the community corrections board within a reasonable time that the victim is unavailable to attend the proceeding but would like to make a statement. Within its resources, the community corrections board shall arrange for and provide the means for the victim to address the board, which means may include, but need not be limited to, appearing by phone or via similar technology.

(IV) For purposes of this subsection (1)(j.5), "unavailable" means the victim or the victim's designee is physically unable to attend the proceeding, may sustain a financial hardship to attend the proceeding, is concerned for his or her safety if he or she attends the proceeding, may suffer significant emotional impact by attending the proceeding, or is unavailable for other good cause.

(V) This subsection (1)(j.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth corrections in the department of human services but is limited to participation by phone or similar technology.

(j.7) The right, at the discretion of the district attorney, to view all or a portion of the presentence report of the probation department;

(k) The right to promptly receive any property that belongs to a victim and that is being held by a prosecutorial or law enforcement agency unless there are evidentiary reasons for the retention of such property;

(l) The right to be informed of the availability of financial assistance and community services for victims, the immediate families of victims, and witnesses, which assistance and community services shall include, but shall not be limited to, crisis intervention services, victim compensation funds, victim assistance resources, legal resources, mental health services, social services, medical resources, rehabilitative services, and financial assistance services, and the right to be informed about the application process for such services;

(l.5) The right to be informed about the possibility of restorative justice practices, as defined in section 18-1-901 (3)(o.5), C.R.S., which includes victim-offender conferences;

(m) The right to be informed about what steps can be taken by a victim or a witness, including information regarding protection services, in case there is any intimidation or harassment by a person accused or convicted of a crime against the victim, or any other person acting on behalf of the accused or convicted person;

(n) The right to be provided with appropriate employer intercession services to encourage the victim's employer to cooperate with the criminal justice system in order to minimize the loss of employment, pay, or other benefits resulting from a victim's court appearances or other required meetings with criminal justice officials;

(o) The right to be assured that in any criminal proceeding the court, the prosecutor, and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings;

- (p)** The right to be provided, whenever practicable, with a secure waiting area during court proceedings that does not require a victim or a witness to be seen or to be in close proximity to the person accused or convicted of a crime against the victim or such person's family or friends;
- (q)** The right to be informed when a person convicted of a crime against the victim is placed in or transferred to a less secure public or private correctional facility or program;
- (q.5)** The right to be informed of the results of a probation or parole revocation hearing;
- (r)** The right to be informed when a person who is or was charged with or convicted of a crime against the victim escapes or is permanently or conditionally transferred or released from any public hospital, private hospital, or state hospital;
- (s)** The right to be informed of any rights which the victim has pursuant to the constitution of the United States or the state of Colorado;
- (t)** The right to be informed of the process for enforcing compliance with this article pursuant to section 24-4.1-303 (17);
- (u)** The right to be informed of the results of any testing for a sexually transmitted infection that is ordered and performed pursuant to section 18-3-415, 25-4-408 (6), or 25-4-412, C.R.S.;
- (v)** The right to prevent any party at any court proceeding from compelling testimony regarding the current address, telephone number, place of employment, or other locating information of the victim unless the victim consents or the court orders disclosure upon a finding that a reasonable and articulable need for the information exists. Any proceeding conducted by the court concerning whether to order disclosure shall be in camera.
- (w)** The right to have the district attorney, a law enforcement agency, a probation department, a state or private correctional facility, the department of human services, or the Colorado mental health institute at Pueblo make all reasonable efforts to exclude or redact a victim's social security number or a witness' social security number from a criminal justice document or record created or compiled as a result of a criminal investigation when the document or record is released to anyone other than the victim, the defense attorney of record, the defense attorney's agent, or a criminal justice agency that has duties under this article;
- (x)** The right to be notified of how to request protection of their address pursuant to the Colorado rules of criminal procedure;
- (y)** The right to receive a copy of the victim impact statement form from the district attorney's office;
- (z)** The right to be notified of a hearing concerning any motion filed for or petition for sealing of records described in section 24-72-704 filed by a defendant in the criminal case whose crime falls under section **24-4.1-302** (1);
- (aa)** The right to be informed of the governor's decision to commute or pardon a person convicted of a crime against the victim before such information is publicly disclosed.
- (1.6)** The right to be informed of the existence of a criminal protection order under section 18-1-1001, C.R.S., or section 19-2-707, C.R.S., and, upon request of the victim, information about provisions that may be added or modified, and the process for requesting such an addition or modification.
- (2)** Subsection (1) of this section shall not be construed to imply that any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.
- (3)** Municipalities and municipal courts shall be encouraged to adopt policies which afford the rights granted to crime victims pursuant to this section to crime victims at the municipal court level, to the extent the adoption of such policies is practicable in the particular municipality.
- (4)** (a) If a victim contacts a criminal justice agency regarding a crime that occurred before 1993, and the offender who committed the crime is currently serving a sentence for the crime, the victim may request notification of any future critical stages of the criminal proceedings. This

provision does not require a criminal justice agency to proactively locate victims of crimes that occurred before 1993.

(b) If an arrest is made for a crime committed before 1993 that was previously unsolved, the appropriate criminal justice agency shall notify the crime victim of all future critical stages.