

Section 212 of Public Law 109-248 (HR 4472), signed into law on July 27, 2006, amended the Crime Victim's Rights Act, 18 U.S.C. § 3771(b), and extended certain victim's rights to habeas corpus proceedings. That subsection now provides:

(b) Rights Afforded

(1) IN GENERAL – In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). Before making a determination described in subsection (a)(3), the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding. The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

(2) HABEAS CORPUS PROCEEDINGS –

(A) IN GENERAL – In a federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

(B) ENFORCEMENT –

(i) IN GENERAL – These rights may be enforced by the crime victim or the crime victim's lawful representation in the manner described in paragraphs (1) and (3) of subsection (d).

(ii) MULTIPLE VICTIMS – In a case involving multiple victims, subsection (d)(2) shall also apply.

(C) LIMITATION – This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

(D) DEFINITION – For purposes of this paragraph, the term 'crime victim' means the person against whom the state offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.