

ENGROSSED

Senate Bill No. 631
As Amended

ENGROSSED SENATE BILL NO. 631 -- By DOUGLASS of the Senate and BRYANT of the House.

AN ACT RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 7, CHAPTER 136, O.S.L. 1992, AS LAST AMENDED BY SECTION 4, CHAPTER 410, O.S.L. 1998, SECTION 8, CHAPTER 136, O.S.L. 1992, AS LAST AMENDED BY SECTION 18, CHAPTER 325, O.S.L. 1993, AND SECTION 9, CHAPTER 136, O.S.L. 1992 (22 O.S. SUPP. 1998, SECTIONS 984, 984.1 AND 984.2), WHICH RELATE TO VICTIM IMPACT STATEMENTS, DEFINITIONS, USE AND DISCLOSURE OF CERTAIN VICTIM INFORMATION; MODIFYING REFERENCE; REQUIRING PRESENTATION OF VICTIM IMPACT STATEMENT IN PLEA BARGAIN PROCEEDINGS; DELETING OBSOLETE LANGUAGE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 7, Chapter 136, O.S.L. 1992, as last amended by Section 4, Chapter 410, O.S.L. 1998 (22 O.S. Supp. 1998, Section 984), is amended to read as follows:

Section 984. As used in ~~this act~~ Titles 21, 22 and 57 of the Oklahoma Statutes:

1. "Victim impact statements" means information about the financial, emotional, psychological, and physical effects of a violent crime on each victim and members of their immediate family, or person designated by the victim or by family members of the victim and includes information about the victim, circumstances surrounding the crime, the manner in which the crime was perpetrated, and the victim's opinion of a recommended sentence;

2. "Members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent, or a sibling of each victim; and

3. "Violent crime" means any crime listed in paragraph 5 of Section 571 of Title 57 of the Oklahoma Statutes or any attempt, conspiracy or solicitation to commit any such crime or the crime of negligent homicide pursuant to Section 11-903 of Title 47 of the Oklahoma Statutes or the crime of causing great bodily injury while driving under the influence of intoxicating substance, pursuant to Section 11-904 of Title 47 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Section 8, Chapter 136, O.S.L. 1992, as last amended by Section 18, Chapter 325, O.S.L. 1993 (22 O.S. Supp. 1998, Section 984.1), is amended to read as follows:

Section 984.1 A. Each victim, or members of the immediate family of each victim or person designated by the victim or by family members of the victim, may present a written victim impact statement or appear personally at the sentence proceeding and present the statements orally. Provided, however, if a victim or any member of the immediate family or person designated by the victim or by family members of a victim wishes to appear personally, such person shall have the absolute right to do so.

B. If a presentence investigation report is prepared, the person preparing the report shall consult with each victim or members of the immediate family or a designee of members of the immediate family if the victim is deceased, incapacitated or incompetent, and include any victim impact statements in the presentence investigation report. If the individual to be consulted cannot be located or declines to cooperate, a notation to that effect shall be included.

C. The judge shall make available to the parties copies of any victim impact statements.

D. In any case which is plea bargained, victim impact statements ~~may~~ shall be presented at the time of sentencing or attached to the district attorney narrative report. In determining the appropriate sentence, the court shall consider among other factors any victim impact statements if submitted to the jury, or the judge in the event a jury was waived.

E. The Department of Corrections and the Pardon and Parole Board, in deciding whether to release an individual on ~~the Preparole Conditional Supervision Program or parole~~, shall consider any victim impact statements submitted to the jury, or the judge in the event a jury was waived.

SECTION 3. AMENDATORY Section 9, Chapter 136, O.S.L. 1992 (22 O.S. Supp. 1998, Section 984.2), is amended to read as follows:

Section 984.2 The court, upon the request of a victim or the district attorney, may order that the victim's address, telephone number, place of employment, or other personal information shall not be disclosed in any law enforcement record or any court document, other than the transcript of a court proceeding, if it is determined by the court to be necessary to protect the victim or immediate family of the victim from harassment or physical harm and if the court determines that the information is immaterial to the defense.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.