

3 Senate Bill No. 1503

4 SENATE BILL NO. 1503 - By: COFFEE of the Senate and MORGAN (Fred) of
5 the House.

6 An Act relating to criminal procedure; amending 22 O.S.
7 2001, Section 984.1, which relates to victim impact
8 statements; prohibiting cross-examination of certain persons
9 at specified proceedings; and providing an effective date.

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

11 SECTION 1. AMENDATORY 22 O.S. 2001, Section 984.1, is
12 amended to read as follows:

13 Section 984.1 A. Each victim, or members of the immediate
14 family of each victim or person designated by the victim or by
15 family members of the victim, may present a written victim impact
16 statement or appear personally at the sentence proceeding and
17 present the statements orally. Provided, however, if a victim or
18 any member of the immediate family or person designated by the
19 victim or by family members of a victim wishes to appear personally,
20 such person shall have the absolute right to do so. Any victim or
21 any member of the immediate family or person designated by the
22 victim or by family members of a victim who appears personally at
23 the sentence proceeding shall not be cross-examined by opposing
24 counsel.

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

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

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

17 E. The Department of Corrections and the Pardon and Parole
18 Board, in deciding whether to release an individual on parole, shall
19 consider any victim impact statements submitted to the jury, or the
20 judge in the event a jury was waived.

21 SECTION 2. This act shall become effective November 1, 2006.

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-7-06 - DO PASS,
23 As Coauthored.