

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 665

By: Nichols of the Senate

and

Ingmire of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to criminal procedure; amending 22
11 O.S. 2001, Section 984.1, as amended by Section 1,
12 Chapter 280, O.S.L. 2006 (22 O.S. Supp. 2006, Section
13 984.1), which relates to victim impact statements;
14 prohibiting amendment of certain statement;
15 prohibiting exclusion of statement from certain
16 record; and providing an effective date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2001, Section 984.1, as
19 amended by Section 1, Chapter 280, O.S.L. 2006 (22 O.S. Supp. 2006,
20 Section 984.1), is amended to read as follows:

21 Section 984.1 A. Each victim, or members of the immediate
22 family of each victim or person designated by the victim or by
23 family members of the victim, may present a written victim impact
24 statement or appear personally at the sentence proceeding and
present the statements orally. Provided, however, if a victim or

1 any member of the immediate family or person designated by the
2 victim or by family members of a victim wishes to appear personally,
3 such person shall have the absolute right to do so. Any victim or
4 any member of the immediate family or person designated by the
5 victim or by family members of a victim who appears personally at
6 the formal sentence proceeding shall not be cross-examined by
7 opposing counsel; provided, however, such cross-examination shall
8 not be prohibited in a proceeding before a jury or a judge acting as
9 a finder of fact. A written victim impact statement introduced at a
10 sentencing proceeding shall not be amended by any person other than
11 the author, nor shall such statement be excluded in whole or in part
12 from the court record. The court shall allow the victim impact
13 statement to be read into the record.

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

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

24

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

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

11 SECTION 2. This act shall become effective November 1, 2007.

12
13
14
15
16
17
18
19
20
21
22
23
24

51-1-7677 GRS 03/27/07