

THE HOUSE OF REPRESENTATIVES
Monday, April 14, 2008

ENGROSSED
Senate Bill No. 2004

ENGROSSED SENATE BILL NO. 2004 - By: NICHOLS, BARRINGTON, BROGDON, BASS AND GARRISON of the Senate and TERRILL, HAMILTON, DERBY, MCCULLOUGH AND TIBBS of the House.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 984.1, as last amended by Section 1, Chapter 319, O.S.L. 2007 (22 O.S. Supp. 2007, Section 984.1), which relates to victim impact statements; allowing inclusion of certain material; and providing an effective date.

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

1 SECTION 1. AMENDATORY 22 O.S. 2001, Section 984.1, as last amended by
2 Section 1, Chapter 319, O.S.L. 2007 (22 O.S. Supp. 2007, Section 984.1), is amended to
3 read as follows:
4 Section 984.1 A. Each victim, or members of the immediate family of each victim
5 or person designated by the victim or by family members of the victim, may present a
6 written victim impact statement, which may include religious invocations or references,
7 or appear personally at the sentence proceeding and present the statements orally.
8 Provided, however, if a victim or any member of the immediate family or person
9 designated by the victim or by family members of a victim wishes to appear personally,
10 such person shall have the absolute right to do so. Any victim or any member of the

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

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

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

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

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

4 SECTION 2. This act shall become effective November 1, 2008.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
6 dated 04-10-28 - DO PASS, As Coauthored.