

By: McClendon

H.B. No. 482

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an oral statement regarding the impact of an offense in
3 certain cases involving a violent crime.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 56, Code of Criminal
6 Procedure, is amended by adding Article 56.031 to read as follows:

7 Art. 56.031. ORAL STATEMENT RELATING TO VICTIM IMPACT. (a)
8 After a court enters a finding of guilt or order of deferred
9 adjudication, but before the imposition of a sentence by the court,
10 the court shall permit a victim, close relative of a deceased
11 victim, or guardian of a victim to appear in person to present to
12 the court an oral statement about the offense and the effect of the
13 offense on the victim.

14 (b) The court shall:

15 (1) consider the information before sentencing the
16 defendant; and

17 (2) permit the defendant or the defendant's counsel an
18 opportunity to:

19 (A) cross-examine the person making the oral
20 statement;

21 (B) comment on the oral statement; and

22 (C) with the approval of the court, introduce
23 testimony or other information alleging a factual inaccuracy in the
24 oral statement.

1 (c) The presentation and consideration of an oral statement
2 under this article is in addition to the consideration of a written
3 victim impact statement under Article 56.03 and does not preclude
4 the presentation of a statement after sentence is pronounced under
5 Article 42.03.

6 (d) This article does not apply if punishment is to be
7 assessed by a jury.

8 SECTION 2. The change in law made by this Act applies only
9 to a sentencing proceeding that commences on or after the effective
10 date of this Act. A sentencing proceeding that commences before the
11 effective date of this Act is covered by the law in effect when the
12 sentencing proceeding commenced, and the former law is continued in
13 effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2005.