

By: Zaffirini

S.B. No. 36

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the victim's statement regarding the impact of an
3 offense in certain cases involving a violent crime.

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

5 SECTION 1. Article 56.03, Code of Criminal Procedure, is
6 amending by adding subsection (e-1) to read as follows:

7 (e-1)(1) After a finding of guilt or order of deferred
8 adjudication is entered, but prior to the imposition of a sentence
9 by the court, the court shall permit a victim, close relative of a
10 deceased victim, or guardian of a victim to appear in person to
11 present to the court an oral statement of the person's views about
12 the offense and the effect of the offense on the victim, and the
13 court shall consider the information before sentencing the
14 defendant. The court shall permit the defendant or his counsel an
15 opportunity to cross-examine the victim and comment on the oral
16 statement, and, with the approval of the court, introduce testimony
17 or other information alleging a factual inaccuracy in the oral
18 statement.

19 (2) The presentation and consideration of an oral
20 statement pursuant to this section shall be permitted in addition
21 to the consideration of a written victim impact statement, if any,
22 and does not preclude the presentation of a statement after
23 sentence is pronounced pursuant to Section 1(b), Article 42.03.

24 (3) This section does not apply if punishment is to be

1 assessed by a jury.

2 SECTION 2. (a) The change in law made by this Act applies
3 only to a sentencing proceeding that commences on or after the
4 effective date of this act.

5 (b) A sentencing proceeding that commences before the
6 effective date of this Act is covered by the law in effect when the
7 sentencing proceeding commenced, and the former law is continued
8 for that purpose.

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