

BILL ANALYSIS

H.B. 167
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a victim of a violent crime in Texas has the right to provide an oral victim impact statement to the court after a defendant's punishment is assessed and the sentence is pronounced. Texas is the only state that does not permit oral victim impact statements before sentencing. Additionally, the oral victim impact statement is not recorded and is not part of the official court record. Authorizing a victim of a violent crime to provide such a statement before sentencing of a defendant found guilty of the crime would allow the court to refocus attention on the human cost of crime and allow the victim to participate more fully in the criminal justice process.

H.B. 167 requires a court to permit a victim of a violent crime to provide an oral victim impact statement after a finding of guilt or order of deferred adjudication but before sentencing.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 167 amends the Code of Criminal Procedure to require a court, after the court enters a finding of guilt or order of deferred adjudication but before the imposition of a sentence by the court, to permit a victim of certain violent crimes or who has suffered bodily injury as a result of the crime, a close relative of a deceased victim, or a guardian of a victim to appear in person to present to the court an oral statement about the offense and the effect of the offense on the victim. The bill requires the court to consider the information before sentencing the defendant and to permit the defendant or the defendant's counsel an opportunity to cross-examine the person making the oral statement, to comment on the oral statement, and, with the approval of the court, to introduce testimony or other information alleging a factual inaccuracy in the oral statement. The bill specifies that the presentation and consideration of an oral statement is in addition to the consideration of a written victim impact statement and does not preclude the presentation of a statement after sentence is pronounced as provided by law. The bill makes its provisions permitting presentation of an oral statement relating to victim impact inapplicable if punishment is to be assessed by a jury.

EFFECTIVE DATE

September 1, 2009.