

By: Naishtat, Moody

H.B. No. 167

A BILL TO BE ENTITLED

AN ACT

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

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

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

Art. 56.031. ORAL STATEMENT RELATING TO VICTIM IMPACT. (a)  
After a court enters a finding of guilt or order of deferred adjudication, but before the imposition of a sentence by the court, the court shall permit a victim, close relative of a deceased victim, or 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.

(b) The court shall:

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

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

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

(B) comment on the oral statement; and

(C) with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the 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, 2009.