

BILL ANALYSIS

H.B. 3517
By: Carter
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties observe that, currently, a victim of a violent crime in Texas has the right to provide a victim impact statement to the court before the court assesses the defendant's punishment and pronounces the sentence; however, the presentation of such a statement when the jury is assessing punishment is not addressed. Those parties contend that requiring such a statement to be read aloud to the jury before sentencing a defendant found guilty of a crime would allow the jury to refocus attention on the crime's effect on and the resulting cost to the victim. H.B. 3517 provides for the reading of a victim impact statement to and the consideration of the statement by the jury assessing punishment in a criminal case.

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. 3517 amends the Code of Criminal Procedure to require a judge, if a victim impact statement has been received in a case, to have the statement read aloud to the jury if the jury assesses punishment in the case and to require the jury to consider the information in assessing the punishment. The bill prohibits a judge or jury from receiving information from a victim impact statement, in addition to the prohibition against inspecting such a statement, until after a finding of guilt or until deferred adjudication is ordered and makes the prohibition against disclosing the statement's contents until after the defendant authorizes inspection of the statement apply also with respect to the defendant authorizing the judge or jury to receive information from the statement.

EFFECTIVE DATE

September 1, 2013.