

## **BILL ANALYSIS**

Senate Research Center  
86R12514 MAW-F

S.B. 1268  
By: Watson  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law gives a victim, or his/her close relative or guardian, the right to appear in court and give a statement after the sentence is pronounced in a criminal case. However, some judges have interpreted this provision so narrowly that they are limiting prosecutors to only one victim impact statement per case. This can be problematic when multiple victims or multiple family members of a victim wish to testify.

S.B. 1268 fixes this issue by clarifying that a court may not impose a limit on the number of victim impact statements unless the court finds that additional statements would unreasonably delay the proceedings. In this way, S.B. 1268 balances judicial efficiency with a victim's right to address the court.

As proposed, S.B. 1268 amends current law relating to a statement presented in a criminal case by a victim, close relative of a deceased victim, or guardian of a victim.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1, Article 42.03, Code of Criminal Procedure, by adding Subsection (c), as follows:

(c) Prohibits the court from imposing a limit on the number of victims, close relatives, or guardians who may appear and present statements under Subsection (b) (relating to requiring the court to permit a victim or someone close to the victim to address the court with a certain statement) unless the court finds that additional statements would unreasonably delay the proceeding.

SECTION 2. Provides that the change in law made by this Act applies to a defendant who is sentenced for an offense on or after the effective date of this Act, regardless of whether the offense is committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2019.