

**SUBJECT:** Victim's or relative's statement to the defendant

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 6 ayes — Place, Talton, Greenberg, Nixon, Pickett, Solis  
0 nays  
3 absent — Farrar, Hudson, Pitts

**SENATE VOTE:** On final passage, April 11 — voice vote

**WITNESSES:** None

**BACKGROUND:** A victim, victim's guardian or a close relative of a deceased victim may present to a court a statement of the their views about the offense, the defendant and the effect of the offense on the victim. The statement may be presented after sentencing, under Code of Criminal Procedure art. 42.03, sec. 1(b).

**DIGEST:** SB 39 would allow a victim, close relative or guardian to present the statement to the defendant and to the court. The victim, relative, or guardian could not direct questions to the defendant while making the statement. The bill would take effect September 1, 1995.

**SUPPORTERS SAY:** Although making a post-sentencing statement to the court is allowed by statute, the victim or relative of a victim needs to be able to vent their anger and hurt directly to the defendant responsible for their anguish. Being able to directly address the defendant is an important part of the healing process. If the victim addresses the court, some defendants merely turn away.

The courtroom is the only place the victim or relative could make a statement to the defendant in a controlled, safe environment. The courtroom specifically offers a site to hear grievances in a controlled atmosphere, and is the appropriate forum for a victim to speak to a defendant.

**OPPONENTS  
SAY:**

Allowing a victim or relative to address the defendant could incite violence and irrational outbursts in the courtroom. The decorum of the courtroom is such that this type of emotional outpouring would be inappropriate. Allowing the victim to address the court is sufficient.