

**ADOPTED**

1 Senators Carter of the 13th and Smith of the 52nd offered the following amendment:

2 Amend the Senate Judiciary Committee substitute to HB 172 by striking lines 15 through 35  
3 on page 2 and lines 1 through 24 of page 3 and inserting in lieu thereof the following:

4 "victim's family of his or her right ~~under certain circumstances~~ to submit a victim impact  
5 statement form;

6 (A) ~~Where the charge is a felony, if the defendant allegedly caused physical,~~  
7 ~~psychological, or, if restitution is sought, economic injury to the victim; or~~

8 (B) ~~Where the charge is a misdemeanor, if the defendant allegedly caused serious~~  
9 ~~physical injury or death to the victim.~~

10 (2) ~~A victim impact statement submitted by a victim shall be attached to the case file and~~  
11 ~~may be used by the prosecuting attorney or the judge during any stage of the proceedings~~  
12 ~~against the defendant involving predisposition, plea bargaining, sentencing, or~~  
13 ~~determination of restitution.~~

14 (b)(1) A victim impact statement form shall:

15 (1) ~~Identify~~ identify the victim of the offense and the perpetrator; ~~;~~

16 (2) ~~A victim impact form may itemize~~ Itemize any economic loss suffered by the victim  
17 as a result of the offense; and may;

18 (3)~~(A)~~ Identify any physical injury suffered by the victim as a result of the offense  
19 along with its seriousness and permanence;

20 (4)~~(B)~~ Describe any change in the victim's personal welfare or familial relationships  
21 as a result of the offense; and

22 (5) ~~Identify any request for psychological services initiated by the victim or the victim's~~  
23 ~~family as a result of the offense; and~~

24 (6)~~(C)~~ Contain any other information related to the impact of the offense upon the  
25 victim ~~that the court requires~~ or the victim's family that the victim wishes to include.

26 (c) ~~The State Board of Pardons and Paroles~~ Prosecuting Attorneys' Council of Georgia  
27 shall establish a form document which shall include the elements set forth in forms which  
28 are designed to obtain the information specified by subsection (b) of this Code section. The  
29 Prosecuting Attorneys' Council of Georgia and shall make copies of such form available  
30 to prosecuting attorneys in the state. ~~When requested by the victim, the victim impact~~  
31 ~~statement form document shall be provided to the victim by the prosecuting attorney. The~~  
32 ~~form shall include the address of the State Board of Pardons and Paroles and contain a~~  
33 ~~statement that the victim must maintain a copy of his address with the State Board of~~

1 ~~Pardons and Paroles and must notify the board of any change of address~~ It shall be the duty  
2 of the prosecuting attorney or his or her designee to make such forms available to crime  
3 victims.

4 (d) The victim may complete ~~the~~ a victim impact ~~statement~~ form and submit such form to  
5 the appropriate prosecuting attorney charged with the prosecution of the case. If the victim  
6 is unable to do so because of such victim's mental, emotional, or physical incapacity, or  
7 because of such victim's age, the victim's attorney or a family member may complete the  
8 victim impact ~~statement~~ form on behalf of the victim. ~~The prosecuting attorney shall file~~  
9 ~~any such written victim impact statement, if in existence at that time, with the court.~~

10 (e)(1) If, prior to trial, the defendant engages in discussion with the prosecuting attorney  
11 for the purpose of reaching a plea agreement or other pretrial disposition of his or her  
12 case, the prosecuting attorney shall, upon the request of the defendant, The court shall,  
13 in the manner prescribed by rule of court, provide the defendant with a copy of the victim  
14 impact statement form relating to the defendant's case within a reasonable time prior to  
15 ~~any hearing at which it is to be considered and allow the defendant to have the~~  
16 ~~opportunity to rebut the victim's written statements~~ such discussions.

17 (2) If the prosecuting attorney intends to present information from a victim impact form  
18 to the court at any hearing at which sentencing or a determination of restitution will be  
19 considered by the court, the prosecuting attorney shall furnish a copy of the victim impact  
20 form to the defendant not less than five days prior to any such hearing. The defendant  
21 shall have the right to rebut the information contained in the victim impact form.

22 (3) The court shall consider the victim impact form that is presented to the court prior  
23 to imposing a sentence or making a determination as to the amount of restitution."