

Senate Bill 174

By: Senators Hamrick of the 30th and Murphy of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated,
2 relating to the procedure for sentencing and imposition of punishment, so as to allow the
3 family of a victim to provide certain statements during the sentencing procedures of the
4 person who committed the crime; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the
9 procedure for sentencing and imposition of punishment, is amended by revising subsection
10 (a) of Code Section 17-10-1.2, relating to an oral victim impact statement, as follows:

11 "(a)(1) In all cases in which the death penalty may be imposed, subsequent to an
12 adjudication of guilt and in conjunction with the procedures in Code Section 17-10-30,
13 the court ~~may~~ shall allow evidence from the family of the victim; or such other witness
14 having personal knowledge of the victim's personal characteristics and the emotional
15 impact of the crime on the victim, the victim's family, or the community. Such evidence
16 shall be given in the presence of the defendant and of the jury and shall be subject to
17 cross-examination. The admissibility of such evidence shall be in the sole discretion of
18 the judge and in any event shall be permitted only in such a manner and to such a degree
19 as not to inflame or unduly prejudice the jury.

20 (2) In all cases other than those in which the death penalty may be imposed, prior to
21 fixing of the sentence as provided for in Code Section 17-10-1 or the imposing of life
22 imprisonment as mandated by law, and before rendering the appropriate sentence,
23 including any order of restitution, the court, ~~within its discretion,~~ may shall allow
24 evidence from the victim, the family of the victim, or such other witness having personal
25 knowledge of the impact of the crime on the victim, the family of the victim, or the

26 community. Such evidence shall be given in the presence of the defendant and shall be
27 subject to cross-examination.

28 (3) Evidence presented pursuant to this subsection may be in the form of, but not limited
29 to, a written statement, an audiotaped or videotaped statement, or a statement made via
30 speakerphone with an attorney's verification of the speaker's identity. Photographs of the
31 victim may be included with any other evidence presented pursuant to this subsection.
32 Where evidence is presented pursuant to this subsection, the authenticating witness shall
33 be subject to cross-examination."

34 **SECTION 2.**

35 All laws and parts of laws in conflict with this Act are repealed.