

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 140 (cov)

Introduced by:

Telo Taitague
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Ray Tenorio

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mw

**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 120
OF 8GCA RELATIVE TO CONSIDERATION OF
"VICTIMS' IMPACT STATEMENTS" AT SENTENCING.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Article 2 is *added* to Chapter 120 of 8GCA to read as
3 follows:

4 **Article 2**

5 **Victims' Impact Statements**

6 **§120.201. Title.** This Act may be cited as the Victim Impact Statement Act.

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8 **§120.202. Definitions.** As used in this Act:

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10 (A) "Victim" means an individual who suffers direct or threatened physical,
11 emotional, or financial harm as the result of the commission of crime, or an
12 immediate family member of a minor victim or a homicide victim.

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1 (B) "Victim impact statement" means a statement providing information
2 about the financial, emotional, and physical effects of the crime on the
3 victim and the victim's family, and specific information about the victim, the
4 circumstances surrounding the crime, and the manner in which it was
5 perpetrated.

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7 (C) "Victim representative" means a spouse, parent, child, sibling, or other
8 relative of a deceased or incapacitated victim or of a victim who is under
9 eighteen (18) years of age, or a person who has had a close relationship with
10 the victim and is designated by the court to be a victim representative.

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12 **§120.203. Notice to victim or victim representative.**

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14 (A) If a defendant is convicted of a felony involving one or more identifiable
15 victims who suffered death or physical, emotional, or financial injury, the
16 prosecuting attorney shall notify the victim or the victim representative in
17 writing of the date, time, and place of the sentencing hearing and advise him
18 or her of the opportunity to present a victim impact statement.

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20 (B) A copy of any relevant rules and regulations pertaining to the victim
21 impact statement and the hearing shall accompany the notice.

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(C) The notice and the copy of any relevant rules and regulations shall be sent to the last known address of the victim or the victim representative at least twenty (20) days prior to the sentencing hearing.

§120.204. Submission of victim impact statement to the court.

(A) Prior to imposition of sentence in a felony case, the prosecuting attorney shall prepare a written victim impact statement and append it to the presentence report on the defendant. The statement shall include applicable information obtained during consultation with the victim or the victim representative. If the victim or victim representative cannot be located or declines to cooperate in the preparation of the statement, the prosecuting attorney shall include a notation to that effect in the statement. If there are multiple victims and preparation of individual victim impact statements is not feasible, the prosecuting attorney may submit one or more representative statements.

(B) Prior to imposition of sentence in both felony and misdemeanor cases, the victim or victim representative may also submit a victim impact statement in one or both of the following means:

1 (1) by presenting an oral victim impact statement at the sentencing
2 hearing. Where there are multiple victims, the court may limit the
3 number of oral victim impact statements;

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5 (2) by submitting a written statement to the prosecuting attorney,
6 which shall append such statement to the presentence report of the
7 defendant.

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9 **§120.205. Access to written victim impact statements.** The court shall make
10 available copies of the statement to the defendant, defendant's counsel, and the
11 prosecuting attorney. These parties shall return all copies of the statement to the
12 court immediately following the imposition of sentence upon the defendant.

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14 **§120.206. Consideration of the victim impact statement.** Any victim impact
15 statement submitted to the court pursuant to §120.204 of this Article shall be
16 among the factors considered by the court in determining the sentence to be
17 imposed upon the defendant.

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19 **§120.207. Limitation.** This Article shall not be construed to require a victim or
20 victim representative to submit a victim impact statement or to cooperate in the
21 preparation of a victim impact statement.