



# Senate

General Assembly

**File No. 664**

January Session, 2011

Senate Bill No. 1029

*Senate, April 28, 2011*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## **AN ACT CONCERNING VICTIM IMPACT STATEMENTS IN CAPITAL MURDER CASES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-46d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 [A victim impact statement prepared with the assistance of a victim  
4 advocate to be placed in court files in accordance with subdivision (2)  
5 of subsection (a) of section 54-220 may be read in court prior to  
6 imposition of sentence upon a defendant found guilty of a crime  
7 punishable by death.]

8 (a) If a defendant is convicted of or pleads guilty to a capital felony,  
9 a family member of the murder victim or his or her legal  
10 representative may appear personally before the jury or, if there is no  
11 jury, the court to present a victim impact statement prior to the jury or  
12 the court returning a special verdict pursuant to subsection (e) of  
13 section 53a-46a.

14     (b) The victim impact statement may include information presented  
15 in the form of a narrative, photographs or a video recording that  
16 describes the victim's general life history, family and social  
17 relationships and accomplishments and the physical, emotional,  
18 psychological and economic impact on the surviving family members  
19 and the community of the victim's murder by the defendant.

20     (c) The court shall review the victim impact statement prior to its  
21 presentation and may limit its content and the manner of its  
22 presentation to ensure that there is no violation of any provision of the  
23 general statutes, the Constitution of the state or the Constitution of the  
24 United States.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	53a-46d

**JUD**     *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact associated with the court review of victim impact statements during the sentencing phase of a capital felony case.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 1029*****AN ACT CONCERNING VICTIM IMPACT STATEMENTS IN CAPITAL MURDER CASES.*****SUMMARY:**

Under current law, a victim impact statement prepared by a victim advocate can be placed in the court files and read in court before imposing a sentence on someone found guilty of a capital felony.

This bill instead allows a murder victim's family member or legal representative to appear personally before the jury or court, if there is no jury, to present a victim impact statement before there is a special verdict (capital felony cases require the court or jury to reach a special verdict deciding whether to impose a sentence of death or life without possibility of release). The bill specifies that this applies whether the defendant is convicted of or pleads guilty to a capital felony.

The bill allows the victim impact statement to include narrative, photographs, or video recordings describing the (1) victim's general life history, family and social relationships, and accomplishments and (2) murder's physical, emotional, psychological, and economic impact on surviving family members and the community.

The bill requires the court to review the victim impact statement before its presentation. It allows the court to limit the statement's content and manner of presentation to ensure it does not violate the statutes or the state or federal constitution.

EFFECTIVE DATE: October 1, 2011

**BACKGROUND*****Related Law and Case***

The Connecticut Constitution grants victims, as defined by the General Assembly, the right to make a statement to the court at sentencing (Amendment XXIX, codified at Connecticut Constitution Art. I, § 8).

The U.S. Supreme Court ruled that the U.S. Constitution's 8<sup>th</sup> Amendment does not bar a capital sentencing jury from considering victim impact evidence relating to the victim's personal characteristics and the emotional impact of the murder on the victim's family (*Payne v. Tennessee*, 501 U.S. 808 (1991)).

### **Related Bill**

sSB 1035, reported favorably by the Judiciary Committee, (1) eliminates the death penalty as a sentencing option for a capital felony committed on or after the bill's effective date, thus leaving life imprisonment without the possibility of release as the penalty and (2) renames the crime of capital felony as murder with special circumstances.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 45    Nay 0    (04/15/2011)