

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 9: CRIMINAL JUSTICE SYSTEM COMPONENTS

§ 9107. Submission of Victim Impact Statement to the Court.

(a) Prior to imposition of sentence in a felony case, the Victim Witness Advocacy Unit shall prepare a written victim impact statement which shall be appended to the pre-sentence report on the defendant prepared by the probation department. The statement shall include applicable information obtained during consultation with the victim. If the victim cannot be located or declines to submit information for the preparation of the statement, the probation department shall include a notation to that effect in the report. If there are multiple victims and preparation of individual victim impact statements is not feasible, the probation department shall submit one or more representative statements.

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

(1) By presenting an oral victim impact statement at the sentencing hearing. However, where there are multiple victims, the court may limit the number of oral victim impact statements.

(2) By submitting a written statement to the probation department, which shall append such statement to the presentence report of the defendant.

Source: PL 10-81, § 9; (a) amended by PL 16-52, § 5 (January 29, 2010), modified.

Commission Comment: Although PL 16-52 failed to reenact subsection (b) and did not specifically provide that the amendment was intended for subsection (a) only, the Commission retained subsection (b) because it appears the omission was inadvertent.