

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1126

5 By: Representative Evans  
6 By: Senator B. Ballinger  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING A VICTIM IMPACT STATEMENT IN A  
10 CRIMINAL TRIAL; AND FOR OTHER PURPOSES.  
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## Subtitle

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13 CONCERNING A VICTIM IMPACT STATEMENT IN A  
14 CRIMINAL TRIAL.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 16-90-1112 is amended to read as follows:  
21 16-90-1112. Victim impact statement.

22 (a)(1) Before imposing sentence, the court shall permit the victim to  
23 present a victim impact statement concerning the effects of the crime on the  
24 victim, the circumstances surrounding the crime, and the manner in which the  
25 crime was perpetrated.

26 (2) The victim may present the statement in writing before the  
27 sentencing proceeding or orally under oath at the sentencing proceeding.

28 (3)(A) The defendant is required to physically remain in the  
29 courtroom during the presentation of any victim impact statement, unless the  
30 court determines that the defendant is behaving in a disruptive manner or in  
31 a manner that presents a threat to the safety of any person present in the  
32 courtroom.

33 (B) If the court removes a defendant from the courtroom  
34 for a reason described under subdivision (a)(3)(A) of this section, the  
35 defendant shall be compelled to observe the victim impact statement either  
36 through a video and audio recording or through a closed circuit video feed



1 that is broadcast to another secure location outside of the courtroom.

2 (b) The court shall give copies of all written victim impact  
3 statements to the prosecuting attorney and the defendant.

4 (c) The sentencing court shall consider the victim impact statement  
5 along with other factors, but if the victim impact statement includes new  
6 material factual information upon which the court intends to rely, the court  
7 shall adjourn the sentencing proceeding or take other appropriate action to  
8 allow the defendant adequate opportunity to respond.

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