

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-299.1 of the Code of Virginia, relating to Victim Impact*
3 *Statements.*

4 [H 556]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-299.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-299.1. When Victim Impact Statement required; contents; uses.

9 The presentence report prepared pursuant to § 19.2-299 shall, with the consent of the victim, as
10 defined in § 19.2-11.01, in all cases involving offenses other than capital murder, include a Victim
11 Impact Statement. Victim Impact Statements in all cases involving capital murder shall be prepared and
12 submitted in accordance with the provisions of § 19.2-264.5.

13 A Victim Impact Statement shall be kept confidential and shall be sealed upon entry of the
14 sentencing order. If prepared by someone other than the victim, it shall (i) identify the victim, (ii)
15 itemize any economic loss suffered by the victim as a result of the offense, (iii) identify the nature and
16 extent of any physical or psychological injury suffered by the victim as a result of the offense, (iv)
17 detail any change in the victim's personal welfare, lifestyle or familial relationships as a result of the
18 offense, (v) identify any request for psychological or medical services initiated by the victim or the
19 victim's family as a result of the offense, and (vi) provide such other information as the court may
20 require related to the impact of the offense upon the victim.

21 If the court does not order a presentence investigation and report, the attorney for the Commonwealth
22 shall, ~~with the consent~~ *at the request* of the victim, ~~prepare~~ *submit* a Victim Impact Statement. In any
23 event, a victim shall be advised by the local crime victim and witness assistance program that he may
24 submit in his own words a written Victim Impact Statement *prepared by the victim or someone the*
25 *victim designates in writing.*

26 The Victim Impact Statement may be considered by the court in determining the appropriate
27 sentence. A copy of the statement prepared pursuant to this section shall be made available to the
28 defendant or counsel for the defendant without court order at least five days prior to the sentencing
29 hearing. The statement shall not be admissible in any civil proceeding for damages arising out of the
30 acts upon which the conviction was based. The statement, however, may be utilized by the Virginia
31 Workers' Compensation Commission in its determinations on claims by victims of crimes pursuant to
32 Chapter 21.1 (§ 19.2-368.1 et seq.) of this title.