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Chairman Spiros and Criminal Justice and Public Safety Committee Members,

Thank you for holding a Public Hearing on AB 28 related to crime victim impact statements.

It has been my honor to work with Senator Jacque as well as various victim advocate stakeholders on this legislation.

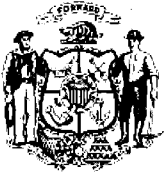
This bill is another protection for victims in our criminal justice system. We need to stand firm with those who are navigating the complex and often overwhelming process.

Through my work at the Walworth County District Attorney's office I have sat with victims and their families. I am fortunate to have worked with some of the most amazing folks on our Victim Witness Coordinator team and I know that these front line advocates understand how critically important victim impact statements can be for victims and their families.

Crime victim impact statements not only provide critically important information related to the case but they often provide closure for the victims and their families. In some cases this may be the only way or at the very least the best way for a family to truly explain how this crime impacted their lives and the lives of their loved ones. We must be sure to protect this material in order to best serve those in our communities who are going through one of the worst times in their lives.

I hope that you will join me and Sen. Jacque is standing with victims of crime and supporting AB 28.

I appreciate your consideration of this bill and I would be happy to answer any questions you may have.



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*Testimony in Support of AB 28 before the Assembly Committee on Criminal Justice and Public Safety
State Senator André Jacque
March 7th, 2019*

Chairman Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety,

Thank you for the opportunity to testify before you today in support of Assembly Bill 28, legislation I have introduced with Rep. Horlacher to protect victims of crime across our state. Presently, a crime victim is allowed to submit a statement regarding the impact that a crime has had on their lives, which is not considered in determining a criminal verdict but can be considered at sentencing, disposition, or parole hearings. These accounts are naturally very personal, frequently painful to recount, and may contain intimate, private details about victims' lives which should not be publicly divulged against their wishes. Unfortunately, there are no safeguards to keep such information from being disclosed and misused outside the courtroom.

For example, in one case, the defendant took a copy of the victim impact statement and right after sentencing started forwarding it to others, including the victim's ex-husband, who then began contacting the victim to harass and belittle her. In another example, a robbery victim who filed her victim impact statement with the court ahead of time was shocked and dismayed to find her quotes from it reproduced publicly and without her consent before the case was even resolved.

AB 28 was drafted at the request of and in coordination with a workgroup of victims' rights advocates to ensure that a victim impact statement is treated as confidential, and unless the statement contains exculpatory information, the statement is not considered a witness statement that must be disclosed by the prosecuting attorney to the court and to the defendant at trial. The intent of this proposal is to treat the victim impact statement similar to how a preliminary sentencing investigation report for an offender is treated, and allows a victim to amend or retract a victim impact statement they have provided up until the time at which it is disclosed.

Under the bill, a victim impact statement may not be disclosed until after a plea has been entered or a conviction has been obtained in a criminal case, at which time the statement must be disclosed to the court, the prosecuting attorney, and the defendant or the defendant's attorney, and the judge must enter a protective order barring redisclosure of the statement. AB 28 requires that a disclosed statement be kept confidential and returned to the court at the conclusion of representation. Of course, victims will still be able to comment publicly or submit their statements to the media at their discretion.

Thank you for your consideration of this common sense legislation.