

105TH CONGRESS
1ST SESSION

H. R. 924

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1997

Received

AN ACT

To amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Victim Rights Clari-
3 fication Act of 1997”.

4 **SEC. 2. RIGHTS OF VICTIMS TO ATTEND AND OBSERVE**
5 **TRIAL.**

6 (a) IN GENERAL.—Chapter 223 of title 18, United
7 States Code, is amended by adding at the end the follow-
8 ing:

9 **“§ 3510. Rights of victims to attend and observe trial**

10 “(a) NON-CAPITAL CASES.—Notwithstanding any
11 statute, rule, or other provision of law, a United States
12 district court shall not order any victim of an offense ex-
13 cluded from the trial of a defendant accused of that of-
14 fense because such victim may, during the sentencing
15 hearing, make a statement or present any information in
16 relation to the sentence.

17 “(b) CAPITAL CASES.—Notwithstanding any statute,
18 rule, or other provision of law, a United States district
19 court shall not order any victim of an offense excluded
20 from the trial of a defendant accused of that offense be-
21 cause such victim may, during the sentencing hearing, tes-
22 tify as to the effect of the offense on the victim and the
23 victim’s family or as to any other factor for which notice
24 is required under section 3593(a).

25 “(c) DEFINITION.—As used in this section, the term
26 ‘victim’ includes all persons defined as victims in section

1 503(e)(2) of the Victims' Rights and Restitution Act of
2 1990.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 223 of title 18, United States
5 Code, is amended by adding at the end the following new
6 item:

“3510. Rights of victims to attend and observe trial.”.

7 (c) CLARIFICATION OF GROUNDS FOR EXCLUSION.—
8 Section 3593(c) of title 18, United States Code, is amend-
9 ed by inserting “For the purposes of the preceding sen-
10 tence, the fact that a victim, as defined in section 3510,
11 attended or observed the trial shall not be construed to
12 pose a danger of creating unfair prejudice, confusing the
13 issues, or misleading the jury.” after “misleading the
14 jury.”.

15 (d) EFFECT ON PENDING CASES.—The amendments
16 made by this section shall apply in cases pending on the
17 date of the enactment of this Act.

Passed the House of Representatives March 18,
1997.

Attest:

ROBIN H. CARLE,

Clerk.

By JULIE PERRIER,

Assistant to the Clerk.