

Calendar No. 28

105TH CONGRESS
1ST SESSION

S. 447

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 1997

Mr. NICKLES (for himself, Mr. INHOFE, Mr. HATCH, Mr. LEAHY, and Mr. GRASSLEY) introduced the following bill; which was read twice and ordered placed on the calendar

A BILL

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, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Victims’ Rights Clari-
5 fication Act of 1997”.

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

3 (a) IN GENERAL.—

4 (1) RIGHTS OF VICTIMS TO ATTEND AND OB-
5 SERVE TRIAL.—Chapter 223 of title 18, United
6 States Code, is amended by adding at the end the
7 following:

8 **“§ 3510. Rights of victims to attend and observe trial**

9 “(a) IN GENERAL.—Notwithstanding any statute,
10 rule, or other provision of law, in any trial of a defendant
11 accused of an offense, a United States district court shall
12 not order the exclusion of any victim of the offense from
13 the trial on the basis that the victim may, during the sen-
14 tencing phase of the proceedings—

15 “(1) make a victim impact statement or present
16 any victim impact information in relation to the sen-
17 tence to be imposed on the defendant; or

18 “(2) testify as to the effect of the offense on
19 the victim or the family of the victim.

20 “(b) DEFINITION OF VICTIM.—In this section, the
21 term ‘victim’ has the same meaning as in section
22 503(e)(2) of the Victims’ Rights and Restitution Act of
23 1990 (42 U.S.C. 10607(e)(2)).”

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 223 of title 18, United States Code, is
3 amended by adding at the end the following:

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

4 (b) ADMISSIBILITY OF CERTAIN EVIDENCE.—Section
5 3593(c) of title 18, United States Code, is amended by
6 inserting after “misleading the jury.” the following: “For
7 purposes of the preceding sentence, the fact that a victim
8 (as that term is defined in section 503(e)(2) of the Vic-
9 tims’ Rights and Restitution Act of 1990 (42 U.S.C.
10 10607(e)(2))) attended or observed the trial in accordance
11 with applicable statutes, rules, or other provisions of law,
12 shall not be construed to create a danger of unfair preju-
13 dice, confusing the issues, or misleading the jury.”.

14 (c) EFFECT ON PENDING CASES.—The amendments
15 made by this section shall apply in any case that is pend-
16 ing on the date of the enactment of this Act.

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