**INSTRUCTION BEFORE ANY VICTIM STATEMENT**

**ICJI 1704 Victim Impact Statement**

Victims have the right to personally address you by making a victim impact statement, which is a statement concerning the victim’s personal characteristics and the emotional impact of the murder. A victim impact statement is not made under oath and is not subject to cross-examination. A victim may not make any statements that are characterizations or opinions about the crime, the defendant, or the appropriate sentence, and you should disregard any such comments. You may otherwise consider victim impact statements in your deliberations.

Comment

*State v. Lovelace*, 140 Idaho 53, 90 P.3d 278 (2003), IDAHO CONST. art. I, § 22(6); I.C. § 19-2515(5)(a); *State v. Hall*, 163 Idaho 744, 829, 419 P.3d 1042, 1127 (2018).

This instruction should be given only if victim impact statements are made, and it should be given immediately before those statements.

The court may modify this instruction by substituting for the word “victims” the names of those who will be making victim impact statements.