

By Representative Fasano

1 A bill to be entitled
2 An act relating to sentencing; amending s.
3 921.143, F.S., relating to the appearance of
4 victim or next of kin to make statement at
5 sentencing hearing; providing for the victim or
6 next of kin to make a statement at such
7 appearance in conjunction with submitting a
8 written statement to the state attorney's
9 office to be filed with the court; requiring
10 the prosecuting attorney to advise the victim
11 that such statements may relate to any matter
12 relevant to appropriate disposition and
13 sentence; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsections (1) and (2) of section 921.143,
18 Florida Statutes, are amended to read:

19 921.143 Appearance of victim or next of kin to make
20 statement at sentencing hearing; submission of written
21 statement.--

22 (1) At the sentencing hearing, and prior to the
23 imposition of sentence upon any defendant who has been
24 convicted of any felony or who has pleaded guilty or nolo
25 contendere to any crime, including a criminal violation of a
26 provision of chapter 316, the sentencing court shall permit
27 the victim of the crime for which the defendant is being
28 sentenced, or the next of kin of the victim if the victim has
29 died from causes related to the crime, to:

30 (a) Appear before the sentencing court for the purpose
31 of making a statement under oath for the record; and ~~or~~

1 (b) Submit a written statement under oath to the
2 office of the state attorney, which statement shall be filed
3 with the sentencing court.

4 (2) The state attorney or any assistant state attorney
5 shall advise all victims or, when appropriate, their next of
6 kin that statements, whether oral or written, shall relate
7 ~~solely~~ to the facts of the case and the extent of any harm,
8 including social, psychological, or physical harm, financial
9 losses, ~~and~~ loss of earnings directly or indirectly resulting
10 from the crime for which the defendant is being sentenced, and
11 any matter relevant to an appropriate disposition and
12 sentence.

13 Section 2. This act shall take effect upon becoming a
14 law.

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17 HOUSE SUMMARY

18 Provides for the victim of a crime or next of kin to make
19 a statement while appearing at the sentencing hearing
20 and, in conjunction with such statement, to submit a
21 written statement under oath to the state attorney's
22 office. Requires the prosecuting attorney to advise the
23 victim that such oral or written statements may relate to
24 any matter relevant to appropriate disposition and
25 sentence.
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