

Bill No. SB 1514

Amendment No. 1 Barcode 134200

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Criminal Justice recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 921.143, Florida Statutes, is amended to read:

921.143 Appearance of victim, law enforcement officer, or next of kin to make statement at sentencing hearing; submission of written statement.--

(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has been convicted of any felony or who has pleaded guilty or nolo contendere to any crime, including a criminal violation of a provision of chapter 316, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the

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1 next of kin of the victim if the victim has died from causes
2 related to the crime, to:

3 (a) Appear before the sentencing court for the purpose
4 of making a statement under oath for the record; and

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

8 (2) The state attorney or any assistant state attorney
9 shall advise all victims or, when appropriate, the victim's
10 parent, guardian, next of kin, or lawful representative that
11 statements, whether oral or written, shall relate to the facts
12 of the case and the extent of any harm, including social,
13 psychological, or physical harm, financial losses, loss of
14 earnings directly or indirectly resulting from the crime for
15 which the defendant is being sentenced, and any matter
16 relevant to an appropriate disposition and sentence.

17 (3) A plea agreement that prohibits a law enforcement
18 officer from appearing or speaking at any parole or clemency
19 hearing may not be accepted by the court.

20 (a) In any case in which the victim is a law
21 enforcement officer, a plea agreement may not prohibit such
22 officer or a duly authorized representative of such officer's
23 employing agency from appearing or providing a statement at
24 the sentencing hearing. For the purposes of this section, the
25 term "law enforcement officer" has the same meaning as is
26 provided in s. 943.10.

27 (b) Nothing in this section may be construed to impair
28 any right afforded under chapter 960 or under s. 16(b), Art. I
29 of the State Constitution.

30 (4)~~(3)~~ The court may refuse to accept a negotiated
31 plea and order the defendant to stand trial.

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1 Section 2. This act shall take effect July 1, 2002.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

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A bill to be entitled

10 An act relating to plea agreements; amending s.

11 921.143, F.S.; prohibiting the court from

12 accepting a plea agreement that restricts

13 rights of law enforcement officers and

14 representatives of their employing agencies

15 from appearing or making statements at certain

16 proceedings; providing an effective date.

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