



HB 0197

2003  
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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to plea agreements; amending s. 921.143, F.S.; providing a popular name; prohibiting, in any case in which a law enforcement officer is a victim of the crime before the court, the entering of a plea agreement purporting to bind present or future action, judgment, or speech of a law enforcement officer or law enforcement agency at any court, sentencing, or parole hearing or with regard to any investigation without reasonable prior notice to the affected officer or duly authorized representative of the affected law enforcement agency; defining the term "law enforcement officer" for such purposes; providing an effective date.

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

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



HB 0197

2003  
CS

29 |           921.143 Appearance of victim, law enforcement officer, or  
30 | next of kin to make statement at sentencing hearing; submission  
31 | of written statement.--

32 |           (1) At the sentencing hearing, and prior to the imposition  
33 | of sentence upon any defendant who has been convicted of any  
34 | felony or who has pleaded guilty or nolo contendere to any  
35 | crime, including a criminal violation of a provision of chapter  
36 | 316, the sentencing court shall permit the victim of the crime  
37 | for which the defendant is being sentenced, the victim's parent  
38 | or guardian if the victim is a minor, the lawful representative  
39 | of the victim or of the victim's parent or guardian if the  
40 | victim is a minor, or the next of kin of the victim if the  
41 | victim has died from causes related to the crime, to:

42 |           (a) Appear before the sentencing court for the purpose of  
43 | making a statement under oath for the record; and

44 |           (b) Submit a written statement under oath to the office of  
45 | the state attorney, which statement shall be filed with the  
46 | sentencing court.

47 |           (2) The state attorney or any assistant state attorney  
48 | shall advise all victims or, when appropriate, the victim's  
49 | parent, guardian, next of kin, or lawful representative that  
50 | statements, whether oral or written, shall relate to the facts  
51 | of the case and the extent of any harm, including social,  
52 | psychological, or physical harm, financial losses, loss of  
53 | earnings directly or indirectly resulting from the crime for  
54 | which the defendant is being sentenced, and any matter relevant  
55 | to an appropriate disposition and sentence.



HB 0197

2003  
CS

56        (3)(a) This subsection shall be known by the popular name  
57 the "Officer Cheryl Seiden Act."

58        (b) In any case in which a law enforcement officer is a  
59 victim of the crime before the court, no plea agreement  
60 purporting to bind the present or future action, judgment, or  
61 speech of a law enforcement officer or law enforcement agency at  
62 any court hearing, sentencing hearing, or parole hearing or with  
63 regard to any investigation shall be proffered to the court  
64 without reasonable notice having first been afforded to the  
65 affected officer or duly authorized representative of the  
66 affected law enforcement agency. For the purposes of this  
67 subsection, the term "law enforcement officer" has the same  
68 meaning as provided in s. 943.10. The Legislature hereby finds  
69 that such notice is essential to ensuring that the trial court  
70 is fully apprised of all the facts in order to exercise  
71 appropriate discretion in accepting such plea. Failure to  
72 provide such notice as required by this subsection is not  
73 grounds to withdraw a plea.

74        (4)~~(3)~~ The court may refuse to accept a negotiated plea  
75 and order the defendant to stand trial.

76        Section 2. This act shall take effect July 1, 2003.