

HB 0283

2004

A bill to be entitled

An act relating to plea agreements; amending s. 921.143, F.S.; prohibiting the court from accepting a plea agreement that prohibits a law enforcement, correctional, or correctional probation officer from appearing at a parole hearing or clemency hearing; prohibiting a plea agreement that prohibits a law enforcement, correctional, or correctional probation officer who was a victim in the offense or an authorized representative of the officer's employing agency from appearing or providing a statement at the sentencing hearing; defining the terms "law enforcement officer," "correctional officer," "correctional probation officer," and "employing agency" for purposes of the act; specifying that the act does not impair certain rights afforded by law or the State Constitution; 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:

921.143 Appearance of victim, ~~or~~ next of kin, or law enforcement, correctional, or correctional probation officer 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

HB 0283

2004

31 for which the defendant is being sentenced, the victim's parent
 32 or guardian if the victim is a minor, the lawful representative
 33 of the victim or of the victim's parent or guardian if the
 34 victim is a minor, or the next of kin of the victim if the
 35 victim has died from causes related to the crime, to:

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

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

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

50 (3)(a) The court may not accept a plea agreement that
 51 prohibits a law enforcement, correctional, or correctional
 52 probation officer from appearing or speaking at a parole hearing
 53 or clemency hearing.

54 (b) In any case in which the victim is a law enforcement,
 55 correctional, or correctional probation officer, a plea
 56 agreement may not prohibit the officer or an authorized
 57 representative of the officer's employing agency from appearing
 58 or providing a statement at the sentencing hearing.

59 (c) As used in this subsection, the terms "law enforcement
 60 officer," "correctional officer," "correctional probation

HB 0283

2004

61 officer," and "employing agency" have the meanings ascribed in
62 s. 943.10.

63 (d) This subsection does not impair any right afforded
64 under chapter 960 or under s. 16(b), Art. I of the State
65 Constitution.

66 (4)(3) The court may refuse to accept a negotiated plea
67 and order the defendant to stand trial.

68 Section 2. This act shall take effect July 1, 2004.