

By Senator Smith

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A bill to be entitled

An act relating to the sentencing proceeding for a capital felony; amending s. 921.141, F.S.; clarifying that the prosecution may introduce and argue victim-impact evidence to the jury; providing an effective date.

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

Section 1. Subsection (7) of section 921.141, Florida Statutes, is amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.--

(7) VICTIM IMPACT EVIDENCE.--Once the prosecution has provided evidence of the existence of one or more aggravating circumstances as described in subsection (5), the prosecution may introduce, and subsequently argue, victim impact evidence to the jury. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community's members by the victim's death. Characterizations and opinions about the crime, the defendant, and the appropriate sentence shall not be permitted as a part of victim impact evidence.

Section 2. This act shall take effect July 1, 2005.

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SENATE SUMMARY

Provides that evidence of the impact of the crime upon the victim may be provided and argued to the jury during the sentencing of a defendant convicted of a capital felony.