

1 943.10(4) shall develop and implement guidelines for the use
2 of their respective agencies, which guidelines are consistent
3 with the purposes of this act and s. 16(b), Art. I of the
4 State Constitution and are designed to implement the
5 provisions of s. 16(b), Art. I of the State Constitution and
6 to achieve the following objectives:

7 (a) Information concerning services available to
8 victims of adult and juvenile crime.--As provided in s.
9 27.0065, state attorneys and public defenders shall gather
10 information regarding the following services in the geographic
11 boundaries of their respective circuits and shall provide such
12 information to each law enforcement agency with jurisdiction
13 within such geographic boundaries. Law enforcement personnel
14 shall ensure, through distribution of a victim's rights
15 information card or brochure at the crime scene, during the
16 criminal investigation, and in any other appropriate manner,
17 that victims are given, as a matter of course at the earliest
18 possible time, information about:

19 1. The availability of crime victim compensation, when
20 applicable;

21 2. Crisis intervention services, supportive or
22 bereavement counseling, social service support referrals, and
23 community-based victim treatment programs;

24 3. The role of the victim in the criminal or juvenile
25 justice process, including what the victim may expect from the
26 system as well as what the system expects from the victim;

27 4. The stages in the criminal or juvenile justice
28 process which are of significance to the victim and the manner
29 in which information about such stages can be obtained;

30 5. The right of a victim, if known, who is not
31 incarcerated, including the victim's parent or guardian if the

1 victim is a minor, the lawful representative of the victim or
2 of the victim's parent or guardian if the victim is a minor,
3 and the next of kin of a homicide victim, to be informed by
4 the state attorney that the victim or the victim's
5 representative has the right to consult with the state
6 attorney, including the right to meet, upon request, with the
7 state attorney before the state attorney decides whether to
8 prosecute a person for a criminal offense, adjudicate a minor
9 for a delinquent act, or offer the person or minor admission
10 to a pretrial intervention or diversion program;

11 ~~6.5.~~ The right of a victim, who is not incarcerated,
12 including the victim's parent or guardian if the victim is a
13 minor, the lawful representative of the victim or of the
14 victim's parent or guardian if the victim is a minor, and the
15 next of kin of a homicide victim, to be informed, to be
16 present, and to be heard when relevant, at all crucial stages
17 of a criminal or juvenile proceeding, to the extent that this
18 right does not interfere with constitutional rights of the
19 accused, as provided by s. 16(b), Art. I of the State
20 Constitution;

21 ~~7.6.~~ In the case of incarcerated victims, the right to
22 be informed and to submit written statements at all crucial
23 stages of the criminal proceedings, parole proceedings, or
24 juvenile proceedings; and

25 ~~8.7.~~ The right of a victim to a prompt and timely
26 disposition of the case in order to minimize the period during
27 which the victim must endure the responsibilities and stress
28 involved to the extent that this right does not interfere with
29 the constitutional rights of the accused.

30 (g) Consultation with victim or guardian or family of
31 victim.--

1 1. In addition to being notified of the provisions of
2 s. 921.143, the victim of a felony involving physical or
3 emotional injury or trauma or, in a case in which the victim
4 is a minor child or in a homicide, the guardian or family of
5 the victim shall be consulted by the state attorney in order
6 to obtain the views of the victim or family about the
7 disposition of any criminal or juvenile case brought as a
8 result of such crime, including the views of the victim or
9 family about:

10 a. The release of the accused pending judicial
11 proceedings;

12 b. The state attorney's decision not to prosecute;

13 ~~c.b.~~ Plea agreements;

14 ~~d.e.~~ Participation in pretrial diversion programs; and

15 ~~e.d.~~ Sentencing of the accused.

16 2. Upon request, the state attorney shall permit the
17 victim, the victim's parent or guardian if the victim is a
18 minor, the lawful representative of the victim or of the
19 victim's parent or guardian if the victim is a minor, or the
20 victim's next of kin in the case of a homicide to review a
21 copy of the presentence investigation report prior to the
22 sentencing hearing if one was completed. Any confidential
23 information that pertains to medical history, mental health,
24 or substance abuse and any information that pertains to any
25 other victim shall be redacted from the copy of the report.
26 Any person who reviews the report pursuant to this paragraph
27 must maintain the confidentiality of the report and shall not
28 disclose its contents to any person except statements made to
29 the state attorney or the court.

30 3. When an inmate has been approved for community work
31 release, the Department of Corrections shall, upon request and

1 as provided in s. 944.605, notify the victim, the victim's
2 parent or guardian if the victim is a minor, the lawful
3 representative of the victim or of the victim's parent or
4 guardian if the victim is a minor, or the victim's next of kin
5 if the victim is a homicide victim.

6 Section 2. For the purpose of incorporating the
7 amendment made to section 960.001, Florida Statutes, in a
8 reference thereto, paragraph (b) of subsection (1) of section
9 945.10, Florida Statutes, is reenacted to read:

10 945.10 Confidential information.--

11 (1) Except as otherwise provided by law or in this
12 section, the following records and information held by the
13 Department of Corrections are confidential and exempt from the
14 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
15 Constitution:

16 (b) Preplea, pretrial intervention, and presentence or
17 postsentence investigative records, except as provided in s.
18 960.001(1)(g).

19 Section 3. This act shall take effect July 1, 2005.

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22 SENATE SUMMARY

23 Requires that a victim who is known and is not
24 incarcerated be informed by the state attorney that the
25 victim or the victim's representative has the right to
26 consult with the state attorney, including, upon request,
27 the right to meet with the state attorney before the
28 state attorney decides whether to prosecute a person for
29 a criminal offense or a minor for a delinquent act or to
30 offer the person or minor admission to a pretrial
31 intervention or diversion program.