LEGISLATIVE ACTION

Senate Comm: RCS 01/31/2022 House

The Committee on Judiciary (Burgess) recommended the following: Senate Amendment (with title amendment) Delete lines 54 - 72 and insert: next of kin of a homicide victim, <u>upon request</u>, to be informed, to be present, and to be heard <del>whon relevant,</del> at all <del>crucial</del> stages of a criminal or juvenile proceeding<del>, to the extent that</del> this right does not interfere with constitutional rights of the accused, as provided by s. 16(b), Art. I of the State Constitution; 6. In the case of incarcerated victims, the right, upon

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of the case in order to minimize the period during which the victim must endure the responsibilities and stress involved; and <u>8. The right of a victim to employ private counsel. The</u> Florida Bar is encouraged to develop a registry of attorneys who are willing to serve on a pro bono basis as advocates for crime victims to the extent that this right does not interfere with the constitutional rights of the accused. Section 2. Subsection (2) of section 960.0021, Florida Statutes, is amended to read: 960.0021 Legislative intent; advisement to victims	12	request, to be informed and to submit written statements at all
157. The right of a victim to a prompt and timely disposition16of the case in order to minimize the period during which the17victim must endure the responsibilities and stress involved; and188. The right of a victim to employ private counsel. The19Florida Bar is encouraged to develop a registry of attorneys who20are willing to serve on a pro bono basis as advocates for crime21victims to the extent that this right does not interfere with22the constitutional rights of the accused.23Section 2. Subsection (2) of section 960.0021, Florida24Statutes, is amended to read:25960.0021 Legislative intent; advisement to victims26(2) The courts may fulfill their obligation to advise crime27victims by:28(a) Making the following announcement at any arraignment,29sentencing, or case-management proceeding:30"If you are the victim of a crime with a case pending31"If you are the victim of a crime with a case pending32before this court, you are advised that you have the33right, upon request:341. To be informed.352. To be present.363. To be heard, when relevant, at all erucial33stages of criminal proceedings to the extent that34these rights do not interfere with the constitutional35and the accused.	13	crucial stages of the criminal proceedings, parole proceedings,
1111of the case in order to minimize the period during which the1717188. The right of a victim to employ private counsel. The19191020are willing to serve on a pro bono basis as advocates for crime21victims to the extent that this right does not interfere with22232425262627282929202920202021222324242526262728292929202020212223242425262728292929202020212223242425262728292920202021222223242425252627282929292020 <t< td=""><td>14</td><td>or juvenile proceedings; and</td></t<>	14	or juvenile proceedings; and
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8The right of a victim to employ private counsel. The19Florida Bar is encouraged to develop a registry of attorneys who20are willing to serve on a pro bono basis as advocates for crime21victims to the extent that this right does not interfere with22the constitutional rights of the accused.23Section 2. Subsection (2) of section 960.0021, Florida24Statutes, is amended to read:25960.0021 Legislative intent; advisement to victims26(2) The courts may fulfill their obligation to advise crime27victims by:28(a) Making the following announcement at any arraignment,29sentencing, or case-management proceeding:30"If you are the victim of a crime with a case pending32before this court, you are advised that you have the33right, upon request:341. To be informed.352. To be present.363. To be heard, when relevant, at all crucial37stages of criminal proceedings to the extent that38these rights do not interfere with the constitutional39rights of the accused.	16	of the case in order to minimize the period during which the
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<ul> <li>30</li> <li>31 "If you are the victim of a crime with a case pending</li> <li>32 before this court, you are advised that you have the</li> <li>33 right, upon request:</li> <li>34 <ol> <li>To be informed.</li> </ol> </li> <li>35 <ol> <li>To be present.</li> </ol> </li> <li>36 <ol> <li>To be heard, when relevant, at all crucial</li> <li>stages of criminal proceedings to the extent that</li> <li>these rights do not interfere with the constitutional</li> <li>rights of the accused.</li> </ol> </li> </ul>	28	(a) Making the following announcement at any arraignment,
31 "If you are the victim of a crime with a case pending 32 before this court, you are advised that you have the 33 right, upon request: 34 1. To be informed. 35 2. To be present. 36 3. To be heard, when relevant, at all crucial 37 stages of criminal proceedings to the extent that 38 these rights do not interfere with the constitutional 39 rights of the accused.	29	sentencing, or case-management proceeding:
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38 these rights do not interfere with the constitutional 39 rights of the accused.	36	3. To be heard, when relevant, at all <del>crucial</del>
39 rights of the accused.	37	stages of criminal proceedings <del>to the extent that</del>
	38	these rights do not interfere with the constitutional
40 4. To receive advance notification, when	39	rights of the accused.
	40	4. To receive advance notification, when

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41	possible, of judicial proceedings and notification of
42	scheduling changes, pursuant to section 960.001,
43	Florida Statutes.
44	5. To seek crimes compensation and restitution.
45	6. To consult with the state attorney's office in
46	certain felony cases regarding the disposition of the
47	case.
48	7. To make an oral or written victim impact
49	statement at the time of sentencing of a defendant.
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51	For further information regarding additional rights
52	afforded to victims of crime, you may contact the
53	state attorney's office or obtain a listing of your
54	rights from the Clerk of Court."
55	; or
56	(b) Displaying prominently on the courtroom doors posters
57	giving notification of the existence and general provisions of
58	this chapter. The Department of Legal Affairs shall provide the
59	courts with the posters specified by this paragraph.
60	Section 3. Subsection (1) of section 985.036, Florida
61	Statutes, is amended to read:
62	985.036 Rights of victims; juvenile proceedings
63	(1) Nothing in this chapter prohibits:
64	(a) The victim of the offense;
65	(b) The victim's parent or guardian if the victim is a
66	minor;
67	(c) The lawful representative of the victim or of the
68	victim's parent or guardian if the victim is a minor; or
69	(d) The next of kin if the victim is a homicide victim,
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71	from the right, upon request, to be informed of, to be present
72	during, and to be heard when relevant $at_7$ all crucial stages of
73	the proceedings involving the juvenile offender, to the extent
74	that such rights do not interfere with the constitutional rights
75	of the juvenile offender. A person enumerated in this section
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	may not reveal to any outside party any confidential information
77	obtained under this subsection regarding a case involving a
78	juvenile offense, except as is reasonably necessary to pursue
79	legal remedies.
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81	======================================
82	And the title is amended as follows:
83	Delete lines 4 - 8
84	and insert:
85	ensure that crime victims are given information about
86	specified rights, upon request, at all stages of
87	criminal, parole, or juvenile proceedings; requiring
88	law enforcement personnel to ensure that crime victims
89	are given information about their right to employ
90	private counsel; encouraging The Florida Bar to
91	develop a registry of attorneys willing to serve on a
92	pro bono basis as advocates for crime victims;
93	amending ss. 960.0021 and 985.036, F.S.; conforming
94	provisions to changes made by the act; providing an
95	effective date.