Florida Senate - 2004

By the Committee on Governmental Oversight and Productivity; and Senators Fasano, Lynn, Argenziano and Margolis

302-2067-04 1 A bill to be entitled 2 An act relating to plea agreements; amending s. 921.143, F.S.; providing a popular name; 3 4 prohibiting the court from accepting a plea 5 agreement that prohibits a law enforcement, б correctional, or correctional probation officer 7 from appearing at a parole hearing or clemency 8 hearing; prohibiting a plea agreement that 9 prohibits a law enforcement, correctional, or correctional probation officer who was a victim 10 in the offense from appearing or providing a 11 12 statement at the sentencing hearing; defining 13 terms for purposes of the act; specifying that the act does not impair certain rights afforded 14 by law or the State Constitution; providing an 15 16 effective date. 17 18 Be It Enacted by the Legislature of the State of Florida: 19 Section 1. Section 921.143, Florida Statutes, is 20 21 amended to read: 22 921.143 Appearance of victim, or next of kin, or law 23 enforcement, correctional, or correctional probation officer 2.4 to make statement at sentencing hearing; submission of written statement.--25 (1) At the sentencing hearing, and prior to the 26 27 imposition of sentence upon any defendant who has been 2.8 convicted of any felony or who has pleaded guilty or nolo contendere to any crime, including a criminal violation of a 29 provision of chapter 316, the sentencing court shall permit 30 the victim of the crime for which the defendant is being 31 1

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1 sentenced, the victim's parent or quardian if the victim is a 2 minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the 3 next of kin of the victim if the victim has died from causes 4 related to the crime, to: 5 б (a) Appear before the sentencing court for the purpose 7 of making a statement under oath for the record; and 8 (b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed 9 with the sentencing court. 10 (2) The state attorney or any assistant state attorney 11 12 shall advise all victims or, when appropriate, the victim's 13 parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts 14 of the case and the extent of any harm, including social, 15 psychological, or physical harm, financial losses, loss of 16 17 earnings directly or indirectly resulting from the crime for 18 which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence. 19 (3)(a) This subsection shall be known by the popular 20 21 name the "Officer Cheryl Seiden Act." 22 (b) The court may not accept a plea agreement that 23 prohibits a law enforcement officer, correctional officer, or correctional probation officer from appearing or speaking at a 2.4 parole hearing or clemency hearing. 25 (c) In any case in which the victim is a law 26 27 enforcement officer, correctional officer, or correctional 2.8 probation officer, a plea agreement may not prohibit the officer or an authorized representative of the officer's 29 employing agency from appearing or providing a statement at 30 the sentencing hearing. 31

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(d) As used in this subsection, the terms "law 1 enforcement officer, " "correctional officer, " "correctional 2 3 probation officer, " and "employing agency" have the meanings 4 ascribed in s. 943.10. 5 (e) This subsection does not impair any right afforded б under chapter 960 or under s. 16(b), Art. I of the State 7 Constitution. 8 (4) (3) The court may refuse to accept a negotiated 9 plea and order the defendant to stand trial. 10 Section 2. This act shall take effect July 1, 2004. 11 12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 13 <u>Senate Bill 118</u> 14 Provides that the popular name of the bill is "Officer Cheryl 15 Seiden Act." Adds that the bill's plea agreement prohibitions also apply to correctional and correctional probation 16 officers. 17 18 19 20 21 22 23 2.4 25 26 27 28 29 30 31

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