

CHAPTER 97-120

House Bill No. 1059

An act relating to sentencing; amending s. 921.143, F.S., relating to the appearance of victim or next of kin to make statement at sentencing hearing; providing for the victim or next of kin to make a statement at such appearance in conjunction with submitting a written statement to the state attorney's office to be filed with the court; requiring the prosecuting attorney to advise the victim that such statements may relate to any matter relevant to appropriate disposition and sentence; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 921.143, Florida Statutes, are amended to read:

921.143 Appearance of victim or next of kin 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 for which the defendant is being sentenced, or the next of kin of the victim if the victim has died from causes related to the crime, to:

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

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

(2) The state attorney or any assistant state attorney shall advise all victims or, when appropriate, their next of kin that statements, whether oral or written, shall relate ~~solely~~ to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, ~~and~~ loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 24, 1997.

Filed in Office Secretary of State May 23, 1997.