

By Representative Ogles

1 A bill to be entitled
2 An act relating to the Florida Evidence Code;
3 creating s. 90.4011, F.S.; providing for
4 admissibility of a defendant's confession or
5 admission when the defendant is charged with a
6 crime against a child under s. 794.011, F.S.,
7 relating to sexual battery, s. 794.05, F.S.,
8 relating to unlawful sexual activity with
9 certain minors, s. 800.04, F.S., relating to
10 lewd, lascivious, or indecent assault or act
11 upon or in the presence of a child, s. 826.04,
12 F.S., relating to incest, s. 827.03, F.S.,
13 relating to abuse, aggravated abuse, and
14 neglect of a child, s. 827.04, F.S., relating
15 to child abuse and contributing to the
16 delinquency or dependency of a child, s.
17 827.071, F.S., relating to sexual performance
18 by a child, or any other crime involving sexual
19 abuse against a child, or with an attempt,
20 solicitation, or conspiracy to commit any of
21 these crimes, under specified circumstances;
22 providing for a court hearing on whether the
23 confession or admission is trustworthy;
24 specifying burden of proof; providing for
25 admissibility of hearsay at such hearing;
26 requiring specific findings of fact; providing
27 an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 90.4011, Florida Statutes, is
2 created to read:

3 90.4011 Admissibility of confession in case of child
4 victim.--

5 (1) In any criminal action in which the defendant is
6 charged with a crime against a child victim under s. 794.011,
7 s. 794.05, s. 800.04, s. 826.04, s. 827.03, s. 827.04, or s.
8 827.071, or any other crime involving sexual abuse of a child,
9 or with any attempt, solicitation, or conspiracy to commit any
10 of these crimes, the defendant's confession or admission shall
11 be admissible during trial without the state first having to
12 prove a corpus delicti of the crime if the court finds in a
13 hearing conducted outside the presence of the jury that the
14 defendant's confession or admission is trustworthy. Before
15 the court admits the defendant's confession or admission, the
16 state must prove by a preponderance of evidence that there is
17 sufficient corroborating evidence that tends to establish the
18 trustworthiness of the statement by the defendant. Hearsay
19 shall be admissible during the presentation of evidence at the
20 hearing. In making its determination, the court may consider
21 all relevant corroborating evidence, including the defendant's
22 statements.

23 (2) The court shall make specific findings of fact, on
24 the record, as to the basis for its ruling under this section.

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

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HOUSE SUMMARY

Provides for admissibility into evidence of a defendant's confession or admission when the defendant is charged with a crime against a child under s. 794.011, F.S., relating to sexual battery, s. 794.05, F.S., relating to unlawful sexual activity with certain minors, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in the presence of a child, s. 826.04, F.S., relating to incest, s. 827.03, F.S., relating to abuse, aggravated abuse, and neglect of a child, s. 827.04, relating to child abuse and contributing to the delinquency or dependency of a child, s. 827.071, F.S., relating to sexual performance by a child, or any other crime involving sexual abuse against a child, or with an attempt, solicitation, or conspiracy to commit any of these crimes, under specified circumstances. Provides for a court hearing on whether the confession or admission is trustworthy.