

By Representative Saunders

1                                   A bill to be entitled  
2           An act relating to the interrogation of  
3           witnesses; amending s. 90.612, F.S.; requiring  
4           judges to exercise reasonable control over the  
5           interrogation of witnesses who are under a  
6           specified age, in order to protect the witness  
7           and to serve the interest of justice; providing  
8           an effective date.

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

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12           Section 1. Paragraph (d) is added to subsection (1) of  
13   section 90.612, Florida Statutes, to read:

14           90.612 Mode and order of interrogation and  
15   presentation.--

16           (1) The judge shall exercise reasonable control over  
17   the mode and order of the interrogation of witnesses and the  
18   presentation of evidence, so as to:

19           (d) Take special care to protect a witness who is  
20   under the age of 14 years from undue harassment or  
21   embarrassment and to restrict the unnecessary repetition of  
22   questions that are directed at such a witness. The court shall  
23   also take special care to ensure that the questions are stated  
24   in a form that is appropriate to the age and understanding of  
25   the witness. The court may, in the interests of justice, on  
26   objection by a party, forbid the asking of a question that is  
27   in a form that is unlikely to be understood by a person of the  
28   witness's age and understanding.

29           Section 2. This act shall take effect July 1, 1997.  
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HOUSE SUMMARY

With respect to a witness who is under the age of 14 years:

1. Requires judges to take special care to protect such a witness from undue harassment or embarrassment, to restrict the unnecessary repetition of questions, and to ensure that questions are couched in a form that is appropriate to the witness's age and understanding.

2. Allows the judge to sustain an objection to a question that the judge considers unlikely to be understood by a person of the witness's age and understanding.