

By Senator Carlton

24-601-00

1 A bill to be entitled
2 An act relating to criminal actions; providing
3 for the admissibility of a defendant's
4 confession or admission in specified sexual
5 abuse cases without proof of a corpus delicti
6 of the crime under certain conditions;
7 providing for a court hearing; requiring
8 corroborating evidence of the trustworthiness
9 of the defendant's confession or admission;
10 allowing hearsay evidence at such hearing;
11 requiring specific findings of fact by the
12 court on the record; providing an effective
13 date.

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

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17 Section 1. Admissibility of confession in sexual abuse
18 cases.--

19 (1) In any criminal action in which the defendant is
20 charged with a crime against a victim under section 794.011,
21 section 794.05, section 800.04, section 826.04, section
22 827.03, section 827.04, or section 827.071, Florida Statutes,
23 or any other crime involving sexual abuse of another, or with
24 any attempt, solicitation, or conspiracy to commit any of
25 these crimes, the defendant's confession or admission is
26 admissible during trial without the state having to prove a
27 corpus delicti of the crime if the court finds in a hearing
28 conducted outside the presence of the jury that the
29 defendant's confession or admission is trustworthy. Before the
30 court admits the defendant's confession or admission, the
31 state must prove by a preponderance of evidence that there is

1 sufficient corroborating evidence that tends to establish the
2 trustworthiness of the statement by the defendant. Hearsay
3 evidence is admissible during the presentation of evidence at
4 the hearing. In making its determination, the court may
5 consider all relevant corroborating evidence, including the
6 defendant's statements.

7 (2) The court shall make specific findings of fact, on
8 the record, for the basis of its ruling.

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

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12 SENATE SUMMARY

13 Provides that in specified criminal cases involving
14 sexual abuse, a defendant's admission or confession may
15 be admitted into evidence without proof of a corpus
16 delicti under certain circumstances. Provides for a court
17 hearing and corroborative evidence of the trustworthiness
18 of the defendant's confession or admission. Allows
19 hearsay evidence at such hearing. Requires the court to
20 make specific findings of fact on the record of its
21 ruling.