

By the Committee on Criminal Justice and Senators Carlton and McKay

307-1770-00

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A bill to be entitled
An act relating to criminal actions; defining the term "sexual abuse"; providing for the admissibility of a defendant's confession or admission in specified sexual abuse cases without proof of a corpus delicti of the crime under certain conditions; providing for a court hearing; requiring corroborating evidence of the trustworthiness of the defendant's confession or admission; allowing hearsay evidence at such hearing; requiring specific findings of fact by the court on the record; providing an effective date.

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

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

(1) As used in this section, the term "sexual abuse" means an act of a sexual nature or sexual act that may be prosecuted under any law of this state, including those offenses specifically designated in subsection (2).

(2) In any criminal action in which the defendant is charged with a crime against a victim under section 794.011, Florida Statutes; section 794.05, Florida Statutes; section 800.04, Florida Statutes; section 826.04, Florida Statutes; section 827.03, Florida Statutes, involving sexual abuse; section 827.04, Florida Statutes, involving sexual abuse; or section 827.071, Florida Statutes, or any other crime involving sexual abuse of another, or with any attempt, solicitation, or conspiracy to commit any of these crimes, the

1 defendant's confession or admission is admissible during trial
2 without the state having to prove a corpus delicti of the
3 crime if the court finds in a hearing conducted outside the
4 presence of the jury that the defendant's confession or
5 admission is trustworthy. Before the court admits the
6 defendant's confession or admission, the state must prove by a
7 preponderance of evidence that there is sufficient
8 corroborating evidence that tends to establish the
9 trustworthiness of the statement by the defendant. Hearsay
10 evidence is admissible during the presentation of evidence at
11 the hearing. In making its determination, the court may
12 consider all relevant corroborating evidence, including the
13 defendant's statements.

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

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 Senate Bill 840

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22 - Defines "sexual abuse"

23 - Qualifies that suspension of corpus delicti rule, as it
24 relates to ss. 827.03 and 827.04, F.S., only involves
"sexual abuse" cases under those sections

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