

1 A bill to be entitled
2 An act relating to criminal actions; defining
3 the term "sexual abuse"; providing for the
4 admissibility of a defendant's confession or
5 admission in specified sexual abuse cases
6 without proof of a corpus delicti of the crime
7 under certain conditions; providing for a court
8 hearing; requiring corroborating evidence of
9 the trustworthiness of the defendant's
10 confession or admission; allowing hearsay
11 evidence at such hearing; requiring specific
12 findings of fact by the court on the record;
13 providing an effective 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) As used in this section, the term "sexual abuse"
20 means an act of a sexual nature or sexual act that may be
21 prosecuted under any law of this state, including those
22 offenses specifically designated in subsection (2).23 (2) In any criminal action in which the defendant is
24 charged with a crime against a victim under section 794.011,
25 Florida Statutes; section 794.05, Florida Statutes; section
26 800.04, Florida Statutes; section 826.04, Florida Statutes;
27 section 827.03, Florida Statutes, involving sexual abuse;
28 section 827.04, Florida Statutes, involving sexual abuse; or
29 section 827.071, Florida Statutes, or any other crime
30 involving sexual abuse of another, or with any attempt,
31 solicitation, or conspiracy to commit any of these crimes, the

1 defendant's memorialized confession or admission is admissible
2 during trial without the state having to prove a corpus
3 delicti of the crime if the court finds in a hearing conducted
4 outside the presence of the jury that the state is unable to
5 show the existence of each element of the crime, and having so
6 found, further finds that the defendant's confession or
7 admission is trustworthy. Factors which may be relevant in
8 determining whether the state is unable to show the existence
9 of each element of the crime include, but are not limited to,
10 the fact that, at the time the crime was committed, the victim
11 was:

12 (a) Physically helpless, mentally incapacitated, or
13 mentally defective, as those terms are defined in s. 794.011;

14 (b) Physically incapacitated due to age, infirmity, or
15 any other cause; or

16 (c) Less than 12 years of age.

17 (3) Before the court admits the defendant's confession
18 or admission, the state must prove by a preponderance of
19 evidence that there is sufficient corroborating evidence that
20 tends to establish the trustworthiness of the statement by the
21 defendant. Hearsay evidence is admissible during the
22 presentation of evidence at the hearing. In making its
23 determination, the court may consider all relevant
24 corroborating evidence, including the defendant's statements.

25 (4) The court shall make specific findings of fact, on
26 the record, for the basis of its ruling.

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

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