

By the Committee on Criminal Justice; and Senator Cruz

591-01937-22

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1 A bill to be entitled
2 An act relating to custodial interrogations of minors;
3 creating s. 900.06, F.S.; defining terms; providing a
4 presumption of inadmissibility for confessions of
5 certain minors which are made as a result of a
6 custodial interrogation at a place of detention if
7 deceptive tactics are used; specifying circumstances
8 under which the presumption may be rebutted; providing
9 that the state attorney has the burden of proving that
10 such confessions were voluntary; requiring that
11 certain objections be made in the trial court;
12 providing an effective date.

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

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16 Section 1. Section 900.06, Florida Statutes, is created to
17 read:

18 900.06 Deceptive tactics during custodial interrogations of
19 minors prohibited; presumption of inadmissibility.-

20 (1) As used in this section, the term:

21 (a) "Custodial interrogation" means questioning or other
22 conduct by a law enforcement officer which is reasonably likely
23 to elicit an incriminating response from an individual and which
24 occurs under circumstances in which a reasonable individual in
25 the same circumstances would consider himself or herself to be
26 in the custody of a law enforcement agency.

27 (b) "Deception" means the knowing communication by a law
28 enforcement officer to a subject of a custodial interrogation of
29 false facts about evidence or unauthorized statements regarding

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30 leniency.

31 (c) "Place of detention" means a police station, sheriff's
32 office, correctional facility, prisoner holding facility, county
33 detention facility, or other governmental facility where a minor
34 may be held in connection with a criminal charge or a petition
35 for delinquency that has been or may be filed against the minor.

36 (2) An oral, written, or sign language confession of an
37 individual who, at the time of the commission of the offense,
38 was younger than 18 years of age, which is made as a result of a
39 custodial interrogation conducted at a place of detention is
40 presumed to be inadmissible as evidence against the minor making
41 the confession in any criminal proceeding or any juvenile court
42 proceeding if, during the custodial interrogation, a law
43 enforcement officer engages in deception.

44 (3) The presumption of inadmissibility of a confession
45 under subsection (2) may be overcome by a preponderance of the
46 evidence that the confession was voluntarily given, based on the
47 totality of the circumstances.

48 (4) The state attorney has the burden of proving that a
49 confession was voluntary. Any objection to the failure of the
50 state to call all material witnesses on the issue of whether the
51 confession was voluntary must be made in the trial court.

52 Section 2. This act shall take effect July 1, 2022.