

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 overcome; 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
19 of 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
29 | which includes false facts about evidence or unauthorized
30 | statements regarding 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 was younger than 18 years of age at the time of
38 | the commission of the offense, which confession is made as a
39 | result of a custodial interrogation conducted at a place of
40 | detention, is presumed to be inadmissible as evidence against
41 | the minor making the confession in any criminal proceeding or
42 | any juvenile court proceeding if, during the custodial
43 | interrogation, a law 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

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51 | confession was voluntary must be made in the trial court.

52 | Section 2. This act shall take effect July 1, 2023.