

1 A bill to be entitled
 2 An act relating to prohibiting deception in
 3 interrogations of minors; creating s. 985.0302, F.S.;
 4 providing definitions; creating a presumption that a
 5 confession of a minor during a custodial interrogation
 6 is inadmissible in certain proceedings if a law
 7 enforcement officer knowingly engaged in deception;
 8 providing for a rebuttal of the presumption in certain
 9 circumstances; specifying the burden of proof to
 10 overcome such a presumption; providing an effective
 11 date.

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

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 15 Section 1. Section 985.0302, Florida Statutes, is created
 16 to read:

17 985.0302 Prohibition of deceptive tactics.—

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

19 (a) "Custodial interrogation" means any interrogation
 20 during which a reasonable person in the subject's position would
 21 consider himself or herself to be in custody and during which a
 22 question is asked that is reasonably likely to elicit an
 23 incriminating response.

24 (b) "Deception" means the knowing communication of false
 25 facts about evidence or unauthorized statements regarding

26 | leniency by a law enforcement officer to a subject of custodial
27 | interrogation.

28 | (c) "Place of detention" means a police station or other
29 | building that is a place of operation for a police department,
30 | county sheriff department, or other law enforcement agency at
31 | which persons are or may be held in detention in connection with
32 | criminal charges against those persons or allegations that those
33 | persons are delinquent minors.

34 | (2) An oral, written, or sign language confession of a
35 | minor, who at the time of the commission of the offense was
36 | under 18 years of age, made as a result of a custodial
37 | interrogation conducted at a place of detention on or after July
38 | 1, 2022, shall be presumed to be inadmissible as evidence
39 | against the minor making the confession in a criminal proceeding
40 | or a juvenile court proceeding for an act that if committed by
41 | an adult would be a misdemeanor or felony offense if, during the
42 | custodial interrogation, a law enforcement officer knowingly
43 | engages in deception.

44 | (3) The presumption of inadmissibility of a confession of
45 | a minor, who at the time of the commission of the offense was
46 | under 18 years of age, at a custodial interrogation at a place
47 | of detention, when such confession is procured through the
48 | knowing use of deception, may be overcome by a preponderance of
49 | the evidence that the confession was voluntary, based on the
50 | totality of the circumstances.

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51 (4) The burden of going forward with the evidence and the
52 burden of proving that a confession was voluntary shall be on
53 the state. Objection to the failure of the state to call all
54 material witnesses on the issue of whether the confession was
55 voluntary must be made in the trial court.

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