

By Senator Stewart

17-01242-23

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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 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 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  
29           which includes false facts about evidence or unauthorized

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

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