
HOUSE BILL 1830

State of Washington 52nd Legislature 1991 Regular Session

By Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer.

Read first time February 11, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to admissibility of children's statements; amending
2 RCW 9A.44.120; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** This act is intended to clarify the
5 original intent of the legislature that RCW 9A.44.120 be applied to
6 juvenile offender proceedings as well as adult criminal proceedings.
7 This act is not intended to make any substantive change to RCW
8 9A.44.120.

9 **Sec. 2.** RCW 9A.44.120 and 1985 c 404 s 1 are each amended to read
10 as follows:

11 A statement made by a child when under the age of ten describing
12 any act of sexual contact performed with or on the child by another,
13 not otherwise admissible by statute or court rule, is admissible in
14 evidence in dependency proceedings under Title 13 RCW (~~and~~), juvenile

1 offender proceedings under chapter 13.40 RCW, and adult criminal
2 proceedings in the courts of the state of Washington if:

3 (1) The court finds, in a hearing conducted outside the presence of
4 the jury, that the time, content, and circumstances of the statement
5 provide sufficient indicia of reliability; and

6 (2) The child either:

7 (a) Testifies at the proceedings; or

8 (b) Is unavailable as a witness: PROVIDED, That when the child is
9 unavailable as a witness, such statement may be admitted only if there
10 is corroborative evidence of the act.

11 A statement may not be admitted under this section unless the
12 proponent of the statement makes known to the adverse party his
13 intention to offer the statement and the particulars of the statement
14 sufficiently in advance of the proceedings to provide the adverse party
15 with a fair opportunity to prepare to meet the statement.