

2 **SHB 1830** - S COMM AMD
3 By Committee on Law & Justice

4 Adopted 4/12/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9A.44.120 and 1985 c 404 s 1 are each amended to read
8 as follows:

9 A statement made by a child when under the age of ten describing
10 any act of sexual contact performed with or on the child by another or
11 describing any attempted act of sexual contact with or on the child by
12 another, not otherwise admissible by statute or court rule, is
13 admissible in evidence in dependency proceedings under Title 13 RCW and
14 criminal proceedings, including juvenile offense adjudications, in the
15 courts of the state of Washington if:

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

19 (2) The child either:

20 (a) Testifies at the proceedings; or

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

24 A statement may not be admitted under this section unless the
25 proponent of the statement makes known to the adverse party his
26 intention to offer the statement and the particulars of the statement

