

FINAL BILL REPORT

SHB 1830

C 169 L 91
Synopsis As Enacted

Brief Description: Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings.

By House Committee on Judiciary (originally sponsored 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).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: When a child is sexually or physically abused, the first person the child may tell is someone close to him or her, such as a parent, friend, or teacher. Those statements are "hearsay." Hearsay statements are inadmissible at trial unless an evidentiary rule or statute provides for their admission. A statute provides for the admission of child hearsay into evidence under certain circumstances. A statement made by a child under the age of 10 describing an act of sexual contact performed with or on the child by another is admissible in dependency and "criminal" proceedings if the court finds that the time, content, or circumstances of the statement indicate the statement is reliable, and the child either a) testifies at the hearing, or b) is unavailable as a witness and corroborative evidence of the abuse exists.

The statute has been applied in criminal proceedings against adults and against juveniles. However, in a recent superior court decision, the court held that the child hearsay statute did not apply to child victims of sexual abuse who were abused by juveniles.

The statute does not expressly provide that the statute applies in acts of attempted sexual contact.

Summary: The child hearsay statute is amended to clarify that the child hearsay statute applies in juvenile offender proceedings. The hearsay statute is also clarified to provide that it applies in cases involving attempted acts of sexual contact.

Votes on Final Passage:

House	98	0	
Senate	40	0	(Senate amended)
House	95	0	(House concurred)

Effective: May 15, 1991