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HOUSE BILL 2749

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives P. Johnson, Hargrove, Padden, Tate, Beck, Vance, Broback, Casada, Forner, Moyer, Hochstatter, Morton, Mielke, Paris, Brough and Wood

Read first time 01/27/92. Referred to Committee on Judiciary.

1 AN ACT Relating to corroborating evidence of a child's out of court  
2 statement; and amending RCW 9A.44.120.

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

4 **Sec. 1.** RCW 9A.44.120 and 1991 c 169 s 1 are each amended to read  
5 as follows:

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

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

4 (2) The child either:

5 (a) Testifies at the proceedings; or

6 (b) Is unavailable as a witness(~~(:—PROVIDED, That)~~). When the  
7 child is unavailable as a witness, such statement may be admitted only  
8 if there is corroborative evidence of the act. "Corroborative  
9 evidence" means evidence that supports to a substantial degree a  
10 logical and reasonable inference that the act described in the hearsay  
11 statement occurred.

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