

# SENATE BILL REPORT

## HB 2362

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As of February 12, 1998

**Title:** An act relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings.

**Brief Description:** Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement.

**Sponsors:** Representatives Mastin and Sheahan.

**Brief History:**

**Committee Activity:** Law & Justice: 2/18/98.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** David Johnson (7754)

**Background:** In a criminal prosecution the state must have proof, independent of the defendant's confession, that a crime was committed. This is known as the *corpus delicti* (the body of a crime). The prosecutor must have evidence that supports a logical and reasonable inference of the facts he or she wishes to prove. If evidence independent of the confession does not exist, then the defendant cannot be prosecuted.

The corpus delicti doctrine is designed to prevent convictions based solely on the defendant's sense of guilt. Created by the English common law, it has its roots in overzealous interrogators and cases where the defendant had been convicted of murder only to have the "victim" reappear, sometimes after the defendant had been hanged. It is meant to protect against confessions made or misinterpreted because of coercion, mistake, or mental incompetency.

It is felt that the current requirements are too strict and have outlived their purpose. They may allow criminals to escape punishment for merely technical reasons and, therefore, ought to be lessened. In 1954 the federal government adopted a less restrictive "trustworthiness" doctrine. It requires that the state produce substantial independent evidence tending to establish the trustworthiness of the confession. The evidence does not need to establish the entire body of the crime. It only needs to establish that the essential facts of the confession are supported enough to justify an inference that the confession is true.

**Summary of Bill:** The federal rule is adopted into state law. In a criminal case, if there is substantial independent evidence that tends to establish the trustworthiness of the admission, then a lawfully obtained confession must be admitted as evidence at trial. Legislative findings justifying the change are set out.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.