
HOUSE BILL 2639

State of Washington

56th Legislature

2000 Regular Session

By Representatives Dickerson, Hurst, McDonald, Lantz, O'Brien, Kastama, Constantine, Lovick and H. Sommers

Read first time . Referred to Committee on .

1 AN ACT Relating to statements made by vulnerable adults; and adding
2 a new section to chapter 10.58 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.58 RCW
5 to read as follows:

6 (1) A statement made by a vulnerable adult describing any act or
7 attempted act of sexual abuse on the vulnerable adult by another or
8 describing any act of physical abuse of the vulnerable adult that
9 results in substantial bodily harm as defined by RCW 9A.04.110, not
10 otherwise admissible by statute or court rule, is admissible in
11 evidence in criminal proceedings if:

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

15 (b) The vulnerable adult either:

16 (i) Testifies at the proceedings; or

17 (ii) Is unavailable as a witness and there is corroborative
18 evidence of the act.

1 (2) A statement may not be admitted under this section unless the
2 proponent of the statement makes known to the adverse party his or her
3 intention to offer the statement and the particulars of the statement
4 sufficiently in advance of the proceedings to provide the adverse party
5 with a fair opportunity to prepare to meet the statement.

6 (3) For the purposes of this section, "vulnerable adult" means a
7 person sixty years of age or older who:

8 (a) Has functional, mental, or physical inability to care for
9 himself or herself;

10 (b) Is found incapacitated under chapter 11.88 RCW; or

11 (c) Has a developmental disability as defined under RCW 71A.10.020.

--- END ---