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**SENATE BILL 5093**

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**State of Washington                      56th Legislature                      1999 Regular Session**

**By Senators Costa and McCaslin**

Read first time 01/12/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to the admissibility of confessions and admissions  
2 in criminal and juvenile offense proceedings; adding a new section to  
3 chapter 10.58 RCW; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** (1) The legislature finds as follows:

6            (a) The "corpus delicti" doctrine originated at a time when there  
7 were few legal protections against coerced confessions. The modern  
8 existence of such protections has eliminated the need for the doctrine.  
9 The doctrine has been widely criticized by legal scholars and  
10 repudiated by the United States supreme court.

11           (b) The jury system itself provides strong protection against  
12 convictions based on unreliable confessions. Juries are fully capable  
13 of evaluating the circumstances surrounding an alleged confession and  
14 disregarding the confession if it is unreliable.

15           (c) The "corpus delicti" doctrine can produce severe injustice, by  
16 making it impossible to convict persons whose guilt is clearly proven.  
17 This is particularly true in cases involving crimes interrupted before  
18 the goal is accomplished, for example attempted murder, and cases

1 involving victims who cannot describe the acts that have been  
2 perpetrated against them, for example severely disabled victims.

3 (2) Section 2 of this act is intended to adopt the federal  
4 corroboration requirement as set out in *Opper v. United States*, 348  
5 U.S. 84, 99 L. Ed. 101, 75 S. Ct. 158 (1954).

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.58 RCW  
7 to read as follows:

8 In all criminal and juvenile offense proceedings where independent  
9 proof of the corpus delicti is absent, a lawfully obtained confession  
10 or admission of the defendant nevertheless shall be admitted into  
11 evidence if there is substantial independent evidence that would tend  
12 to establish the trustworthiness of the confession or admission.

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