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SENATE BILL 5866

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State of Washington

57th Legislature

2001 Regular Session

By Senators Kline, Long and Costa

Read first time 02/06/2001. 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.** The legislature intends to strike a balance  
6 between public safety concerns, especially in prosecutions involving  
7 the victimization of infants and young children, and the need to  
8 maintain adequate safeguards against the introduction of unreliable  
9 confessions, admissions, or other statements of those accused of  
10 crimes.

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

13 (1) In criminal and juvenile offense proceedings where independent  
14 proof of the corpus delicti is absent, and the alleged victim of the  
15 crime is incompetent to testify or is otherwise legally unavailable to  
16 testify, a lawfully obtained and otherwise admissible confession,  
17 admission, or other statement of the defendant shall be admissible into  
18 evidence if there is substantial independent evidence that would tend

1 to establish the trustworthiness of the confession, admission, or other  
2 statement of the defendant.

3 (2) In determining whether there is substantial independent  
4 evidence that the confession, admission, or other statement of the  
5 defendant is trustworthy, the court shall consider, but is not limited  
6 to:

7 (a) Whether there is any evidence corroborating or contradicting  
8 the facts set out in the statement;

9 (b) The character of the witness reporting the statement;

10 (c) The number of witnesses to the statement;

11 (d) Whether a record of the statement was made and the timing of  
12 the making of the record in relation to the making of the statement;  
13 and/or

14 (e) The relationship between the witness and the defendant.

15 (3) Where the court finds that the confession, admission, or other  
16 statement of the defendant is sufficiently trustworthy to be admitted,  
17 the court shall issue a written order setting forth the rationale for  
18 admission.

19 (4) Nothing in this section may be construed to prevent the  
20 defendant from arguing to the jury or judge in a bench trial that the  
21 statement is not trustworthy or that the evidence is otherwise  
22 insufficient to convict.

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