
ENGROSSED HOUSE BILL 1427

State of Washington

58th Legislature

2003 Regular Session

By Representatives Lantz, Delvin, O'Brien, Boldt, Blake, Hankins, Fromhold, Cody, Pearson, Mastin, Hunt, Roach, Moeller, Kagi, Benson, Rockefeller, McMahan and McDonald

Read first time 01/27/2003. Referred to Committee on Judiciary.

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

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

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

7 (1) In criminal and juvenile offense proceedings where independent
8 proof of the corpus delicti is absent, and the alleged victim of the
9 crime is dead or incompetent to testify, a lawfully obtained and
10 otherwise admissible confession, admission, or other statement of the
11 defendant shall be admissible into evidence if there is substantial
12 independent evidence that would tend to establish the trustworthiness
13 of the confession, admission, or other statement of the defendant.

14 (2) In determining whether there is substantial independent
15 evidence that the confession, admission, or other statement of the
16 defendant is trustworthy, the court shall consider, but is not limited
17 to:

18 (a) Whether there is any evidence corroborating or contradicting

1 the facts set out in the statement, including the elements of the
2 offense;

3 (b) The character of the witness reporting the statement and the
4 number of witnesses to the statement;

5 (c) Whether a record of the statement was made and the timing of
6 the making of the record in relation to the making of the statement;
7 and/or

8 (d) The relationship between the witness and the defendant.

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

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

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