
SUBSTITUTE SENATE BILL 5627

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Esser and Kastama)

READ FIRST TIME 02/17/03.

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 incompetent to testify or is otherwise legally unavailable to
10 testify, a lawfully obtained and otherwise admissible confession,
11 admission, or other statement of the defendant shall be admissible into
12 evidence if there is substantial independent evidence that would tend
13 to establish the trustworthiness of the confession, admission, or other
14 statement of the defendant.

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

1 (a) Whether there is any evidence corroborating or contradicting
2 the facts set out in the statement;
3 (b) The character of the witness reporting the statement;
4 (c) The number of witnesses to the statement;
5 (d) 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 (e) 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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