

SSB 5065 - S AMD 149
By Senator Thibaudeau

1 On page 1, line 6, before "Hospitals" insert "(1)".

2 On page 1, line 9, after "RCW 7.70.065." insert "Except as provided
3 in subsection (2) of this section,".

4 On page 1, after line 13, insert "(2) Subject to an in-camera
5 review of the court, a statement or statements of specific acts
6 evidencing fault inadmissible under subsection (1) of this section may
7 be used to impeach a fact witness in a civil or administrative
8 proceeding if it contradicts subsequent testimony on issues of fact
9 made by the witness in the civil or administrative hearing. The party
10 wishing to use the previous statement must first show the court by
11 clear and convincing evidence that the witness, in testimony provided
12 in deposition or at trial in the present proceeding, has contradicted
13 his or her previous statements on an issue of fact material to the
14 present proceeding. In that case, the party may use only the excerpt
15 or excerpts necessary to demonstrate the contradiction. This section
16 shall not be interpreted as expanding the scope of material that may be
17 used to impeach a witness."

--- END <

EFFECT: Creates a limited exception to the grant of inadmissibility for specific statements of fact later directly contradicted by a witness in deposition or testimony.