
SENATE BILL 6182

State of Washington 62nd Legislature 2012 Regular Session

By Senators Morton, Hargrove, Padden, Pflug, Delvin, Ericksen, and Roach

Read first time 01/13/12. Referred to Committee on Judiciary.

1 AN ACT Relating to clarifying the circumstances when a confession,
2 admission, or other statement of a criminal defendant may support a
3 conviction; and amending RCW 10.58.035.

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

5 **Sec. 1.** RCW 10.58.035 and 2003 c 179 s 1 are each amended to read
6 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) A conviction can be supported solely by a confession,
10 admission, or other statement of the defendant, if there is substantial
11 independent evidence that would tend to establish the trustworthiness
12 of the confession, admission, or other statement.

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

17 ((+4)) (5) Nothing in this section may be construed to prevent the
18 defendant from arguing to the jury or judge in a bench trial that the
19 statement is not trustworthy or that the evidence is otherwise
20 insufficient to convict.

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