
Early Learning & Human Services Committee

HB 1724

Brief Description: Concerning statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment.

Sponsors: Representatives Roberts, Kagi, Pettigrew, Goodman, Green, Reykdal, Cody, Jinkins, Appleton, Freeman, Moeller, Ryu, Pollet, Moscoso and Bergquist.

Brief Summary of Bill

- Provides that statements, admissions, or confessions made by a juvenile in the course of a mental health or chemical dependency screening or assessment are inadmissible as evidence of the juvenile's guilt in a juvenile offense matter or an adult criminal proceeding.

Hearing Date: 2/19/13

Staff: Linda Merelle (786-7092).

Background:

A juvenile has the same privilege against self-incrimination as an adult. This privilege prohibits the use of a juvenile offender's statements unless the privilege has been knowingly and intelligently waived following a warning. Courts have held that the privilege against self-incrimination applies to statements made by a juvenile to court-appointed mental health professionals when a juvenile is the subject of a decline hearing and other stages of a juvenile offender's case. Even though an offender has the privilege against self-incrimination, such statements may be used to impeach the credibility of the juvenile or to assess the level of risk of a juvenile at a disposition hearing.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A juvenile's statements, admissions, or confessions in the course of a mental health or chemical dependency screening or assessment are not admissible into evidence against the juvenile on the issue of guilt in any juvenile offender matter or adult criminal proceeding. The prohibition applies even where the court has not ordered the assessment or the screening.

Statements, admissions or confessions are admissible if the juvenile has placed his or her mental health at issue and for any other purpose or proceeding allowed by law, such as impeachment. The prohibition does not apply to statements, admissions, or confessions made to law enforcement, and the prohibition does not allow a juvenile to argue that evidence lawfully obtained based upon information in the statements, admissions, or confessions should be suppressed.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.