

SSB 5067 - S AMD 602
By Senator Padden

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that evidence
4 and testimony from accomplices and criminal informants warrant
5 greater scrutiny.

6 (2) This act is intended to address the reliability of accomplice
7 and criminal informant evidence and testimony by ensuring that the
8 jury is fully informed when an accomplice or informant testifies.

9 (3) The legislature recognizes the inherent authority of the
10 supreme court under Article IV of the state Constitution to
11 administer and operate the state's court system and adopt final rules
12 including, but not limited to, pattern jury instructions for all the
13 state's courts. The legislature desires to provide a general
14 provision in statute acknowledging and encouraging the judiciary to
15 provide a criminal jury instruction addressing the testimony of
16 witnesses involving special circumstances of immunity, benefits,
17 accomplices, and pleas.

18 NEW SECTION. **Sec. 2.** The Washington pattern jury instruction
19 committee operating under the auspices of the Washington supreme
20 court is authorized and encouraged to adopt a criminal jury
21 instruction substantially similar to model criminal jury instruction
22 4.9 adopted by the federal ninth circuit court of appeals for the
23 district courts of the ninth circuit, 2010 edition."

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24 On page 1, line 1 of the title, after "to" strike the remainder
25 of the title and insert "informant and accomplice evidence and
26 testimony; and creating new sections."

EFFECT: (1) Recognizes the inherent authority of the judiciary to adopt court rules including pattern jury instructions.

(2) Encourages the Washington pattern jury instruction committee to adopt a substantially similar instruction to the ninth circuit court of appeals model criminal instruction 4.9, notifying a jury to consider possible influence on an informant or accomplice receiving something of value from the prosecutor in exchange for testimony.

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