
SUBSTITUTE HOUSE BILL 1830

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer).

Read first time March 5, 1991.

1 AN ACT Relating to admissibility of children's statements; amending
2 RCW 9A.44.120; creating a new section; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** This act is intended to clarify the
5 original intent of the legislature that RCW 9A.44.120 be applied to
6 juvenile as well as adult criminal proceedings. This act is not
7 intended to make any substantive change to RCW 9A.44.120.

8 **Sec. 2.** RCW 9A.44.120 and 1985 c 404 s 1 are each amended to read
9 as follows:

10 A statement made by a child when under the age of ten describing
11 any act of sexual contact performed with or on the child by another,
12 not otherwise admissible by statute or court rule, is admissible in
13 evidence in dependency proceedings under Title 13 RCW and adult and

1 juvenile criminal proceedings in the courts of the state of Washington
2 if:

3 (1) The court finds, in a hearing conducted outside the presence of
4 the jury, that the time, content, and circumstances of the statement
5 provide sufficient indicia of reliability; and

6 (2) The child either:

7 (a) Testifies at the proceedings; or

8 (b) Is unavailable as a witness: PROVIDED, That when the child is
9 unavailable as a witness, such statement may be admitted only if there
10 is corroborative evidence of the act.

11 A statement may not be admitted under this section unless the
12 proponent of the statement makes known to the adverse party his
13 intention to offer the statement and the particulars of the statement
14 sufficiently in advance of the proceedings to provide the adverse party
15 with a fair opportunity to prepare to meet the statement.

16 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and shall take
19 effect immediately.