

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1830

52nd Legislature
1991 Regular Session

Passed by the House March 18, 1991
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1991
Yeas 40 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1830** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1830

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

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; and declaring an emergency.

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

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

6 A statement made by a child when under the age of ten describing
7 any act of sexual contact performed with or on the child by another or
8 describing any attempted act of sexual contact with or on the child by
9 another, not otherwise admissible by statute or court rule, is
10 admissible in evidence in dependency proceedings under Title 13 RCW and
11 criminal proceedings, including juvenile offense adjudications, in the
12 courts of the state of Washington if:

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

1 (2) The child either:

2 (a) Testifies at the proceedings; or

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

6 A statement may not be admitted under this section unless the
7 proponent of the statement makes known to the adverse party his
8 intention to offer the statement and the particulars of the statement
9 sufficiently in advance of the proceedings to provide the adverse party
10 with a fair opportunity to prepare to meet the statement.

11 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.