

HOUSE BILL REPORT

SSB 5214

As Reported By House Committee On:

Law & Justice

Title: An act relating to admissibility of children's statements.

Brief Description: Making admissible childrens' statements concerning acts of physical abuse.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Smith, C. Anderson, Winsley, Haugen and Kohl).

Brief History:

Committee Activity:

Law & Justice: 3/31/95 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 14 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith and Veloria.

Minority Report: Do not pass. Signed by 2 members: Representatives Appelwick, Ranking Minority Member; and Thibaudeau.

Staff: Pat Shelledy (786-7149).

Background: In criminal and dependency cases involving allegations of sexual abuse against a child under age 10, out-of-court statements the child made about the sexual assault may be admitted into evidence under certain circumstances. First, the court must find in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient indicia of reliability. Second, the child either must testify or, if the child does not testify, corroborative evidence of the act must exist before the child's statement may be admitted. This statute is known as the child hearsay law.

The current statute only applies to sexual abuse cases and not physical abuse cases.

Summary of Bill: A child's out-of-court statements about being physically abused may be admitted into evidence under the child hearsay law if the act of physical abuse resulted in substantial bodily harm to the child. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current law will be expanded to include only those physical abuse cases in which substantial bodily harm is inflicted. There are not too many cases in which this law will be applied. However, in one case involving a scalding the state would have liked to have the evidence available but didn't because the current law is too restrictive.

Testimony Against: None.

Testified: Jeff Sullivan and Tom McBride, Washington Association of Prosecuting Attorneys (pro).