
SUBSTITUTE SENATE BILL 5214

State of Washington

54th Legislature

1995 Regular Session

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

Read first time 02/02/95.

1 AN ACT Relating to admissibility of children's statements; and
2 amending RCW 9A.44.120.

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

4 **Sec. 1.** RCW 9A.44.120 and 1991 c 169 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
8 ~~((or))~~, describing any attempted act of sexual contact with or on the
9 child by another, or describing any act of physical abuse of the child
10 by another that results in substantial bodily harm as defined by RCW
11 9A.04.110, not otherwise admissible by statute or court rule, is
12 admissible in evidence in dependency proceedings under Title 13 RCW and
13 criminal proceedings, including juvenile offense adjudications, in the
14 courts of the state of Washington if:

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

18 (2) The child either:

19 (a) Testifies at the proceedings; or

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

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

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