
HOUSE BILL 2613

State of Washington

56th Legislature

2000 Regular Session

By Representatives Lambert, Lovick, Cox, Campbell, Schindler, Carrell, Boldt, Esser, Mulliken and Delvin

Read first time . Referred to Committee on .

1 AN ACT Relating to establishing the Miranda warning as a factor of
2 voluntariness; and adding new sections to chapter 10.58 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.58 RCW
5 to read as follows:

6 The legislature finds that certain evidence, such as statements,
7 admissions, or confessions by a defendant, and evidence that flows from
8 such statements, admissions, or confessions, is necessary for truth and
9 justice to prevail but that it may be excluded at trial solely because
10 the defendant was provided inadequate Miranda warnings. The
11 legislature further finds that congress in 1968 enacted a law known as
12 Section 3501 that provides that a failure to issue Miranda warnings
13 does not require automatic exclusion of evidence in federal
14 prosecutions and that the failure to give Miranda warnings is just one
15 of several factors to be considered in deciding whether statements to
16 law enforcement were made voluntarily.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.58 RCW
18 to read as follows:

1 In determining whether or not any statement, admission, or
2 confession of a defendant was voluntarily made, the presence or absence
3 of any Miranda warning is not conclusive on the issue of voluntariness
4 but is one of several factors to be considered in determining the
5 voluntariness of the defendant's statement, admission, or confession.
6 Only if a court determines that any statement, admission, or confession
7 of a defendant was, in fact, objectively and wrongfully coerced and
8 was, therefore, not sufficiently voluntary, may the court exclude such
9 statement, admission, or confession and any evidence that directly
10 flows from the statement, admission, or confession, that cannot be
11 independently established.

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