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SENATE BILL 5065

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Nelson, Metcalf, McCaslin, Bailey, Erwin, Stratton, Thorsness and Conner.

Read first time January 17, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to admissibility of a child's statement; 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 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 in the courts of the state of Washington if:

12 (1) The court finds, in a hearing conducted outside the presence of  
13 the jury, that the time, content, and circumstances of the statement  
14 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.