

SENATE BILL REPORT

SB 5214

As Reported By Senate Committee On:
Law & Justice, February 1, 1995

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

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

Sponsors: Senators Smith, C. Anderson, Winsley, Haugen and Kohl.

Brief History:

Committee Activity: Law & Justice: 1/24/95, 2/1/95 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Cynthia Runger (786-7717)

Background: An out-of-court statement made by a child less than 10 years old describing a sexual act attempted or performed on him or her is admissible into evidence if the court finds that the statement is reliable and the child testifies. If the child is unable to testify, there must be corroborative evidence of the sexual act before the statement can be admitted.

Summary of Substitute Bill: The child victim hearsay statute is amended to admit testimony describing any act of physical abuse of the child by another that results in substantial bodily harm, as defined in the preliminary article of the Washington criminal code.

Substitute Bill Compared to Original Bill: This bill requires a showing a substantial bodily harm.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This issue is important because in too many cases, people who subject children to substantial injury and disfigurement are not prosecuted. Without the hearsay exception, prosecutors cannot introduce the child's testimony if the child is unable to testify.

Testimony Against: None.

Testified: Tom McBride, WAPA (pro); Debbie Ruggles, WSCAP (pro); Sheriff Steve Thompson, WASPC (pro).