

SENATE BILL REPORT

SHB 1830

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 5, 1991

Brief Description: Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer).

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Susan Carlson (786-7418)

Hearing Dates: April 3, 1991; April 5, 1991

BACKGROUND:

The child hearsay statute allows certain statements made by a child under the age of ten describing sexual contact to be admitted in dependency and criminal proceedings. This statute has been applied in both adult and juvenile criminal proceedings. However, a court commissioner in one county has held that the child hearsay statute does not apply to criminal cases against juveniles. Although this decision was just reversed by that county's superior court, the issue may be the subject of further appeals.

SUMMARY:

The child hearsay statute is amended to clarify that it is applicable to criminal proceedings against juveniles.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.

SUMMARY OF PROPOSED SENATE AMENDMENT:

A provision is added which applies the child hearsay statute in cases of attempted sexual contact.

TESTIMONY FOR:

The bill clarifies that the child hearsay statute applies to both juvenile and adult criminal proceedings.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative H. Myers, original sponsor; Dawn Larsen, Washington Coalition of Sexual Assault Programs; John Bumford, Washington Association of Prosecuting Attorneys; Lois Loontjens, DSHS