

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE HOUSE BILL 1830**

Chapter 169, Laws of 1991

52nd Legislature  
1991 Regular Session

TESTIMONY OF CHILD REGARDING ACTS OF SEXUAL CONTACT--ADMISSIBILITY

EFFECTIVE DATE: 5/15/91

Passed by the House March 18, 1991  
Yeas 98 Nays 0

JOE KING  
Speaker of the  
House of Representatives

Passed by the Senate April 12, 1991  
Yeas 40 Nays 0

JOEL PRITCHARD  
President of the Senate

Approved May 15, 1991

BOOTH GARDNER  
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1830** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
Chief Clerk

FILED

May 15, 1991 - 11:15 a.m.

Secretary of State  
State of Washington



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**SUBSTITUTE HOUSE BILL 1830**

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AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** 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).

Read first time March 5, 1991.

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

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, including juvenile offense adjudications, in the  
12 courts of the state of Washington if:

13            (1) The court finds, in a hearing conducted outside the presence of  
14 the jury, that the time, content, and circumstances of the statement  
15 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.

11 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and shall take  
14 effect immediately.

Passed the House March 18, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 15, 1991.

Filed in Office of Secretary of State May 15, 1991.