

2151

Sponsor(s): Representatives Carrell and Talcott

Brief Description: Allowing certain out-of-court statements to be admitted as evidence.

HB 2151 - DIGEST

(SEE ALSO PROPOSED 1ST SUB)

Declares that an out-of-court statement, not otherwise admissible by statute or court rule, made by a person describing an act constituting an assault or a sex offense against the declarant when the act results in substantial bodily harm, as defined in RCW 9A.04.110, to the declarant or in the death of the declarant, is admissible as evidence in a criminal or juvenile offense adjudication proceeding if the court finds: (1) That the declarant was competent under RCW 5.60.050 at the time the out-of-court statement was made;

(2) That the declarant is unavailable as a witness at trial under evidence rule 804 (a);

(3) There is corroborative evidence of the act against the declarant; and

(4) In a hearing conducted outside the presence of the jury, if any, that the time, content, and circumstances of the out-of-court statement provide sufficient indicia of reliability.