
HOUSE BILL 1969

State of Washington 58th Legislature 2003 Regular Session

By Representatives O'Brien, Delvin and Lantz

Read first time 02/18/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to admissibility of statements made by persons with
2 developmental disabilities; and 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 1995 c 76 s 1 are each amended to read
5 as follows:

6 A statement made by a child when under the age of ten, or a person
7 with a developmental disability as defined in RCW 71A.10.020,
8 describing any act of sexual contact performed with or on the child or
9 person with a developmental disability by another, describing any
10 attempted act of sexual contact with or on the child or person with a
11 developmental disability by another, or describing any act of physical
12 abuse of the child or person with a developmental disability by another
13 that results in substantial bodily harm as defined by RCW 9A.04.110,
14 not otherwise admissible by statute or court rule, is admissible in
15 evidence in dependency proceedings under Title 13 RCW and criminal
16 proceedings, including juvenile offense adjudications, in the courts of
17 the state of Washington if:

18 (1) The court finds, in a hearing conducted outside the presence of

1 the jury, that the time, content, and circumstances of the statement
2 provide sufficient indicia of reliability; and

3 (2) The child or person with a developmental disability either:

4 (a) Testifies at the proceedings; or

5 (b) Is unavailable as a witness: PROVIDED, That when the child or
6 person with a developmental disability is unavailable as a witness,
7 such statement may be admitted only if there is corroborative evidence
8 of the act.

9 A statement may not be admitted under this section unless the
10 proponent of the statement makes known to the adverse party his or her
11 intention to offer the statement and the particulars of the statement
12 sufficiently in advance of the proceedings to provide the adverse party
13 with a fair opportunity to prepare to meet the statement.

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