

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1427**

Chapter 179, Laws of 2003

58th Legislature  
2003 Regular Session

EVIDENCE--CONFESSIONS

EFFECTIVE DATE: 7/27/03

Passed by the House March 17, 2003  
Yeas 96 Nays 1

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 15, 2003  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 9, 2003.

GARY LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1427** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

**Chief Clerk**

FILED

May 9, 2003 - 3:36 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1427**

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Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

**By** Representatives Lantz, Delvin, O'Brien, Boldt, Blake, Hankins, Fromhold, Cody, Pearson, Mastin, Hunt, Roach, Moeller, Kagi, Benson, Rockefeller, McMahan and McDonald

Read first time 01/27/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to the admissibility of confessions and admissions  
2 in criminal and juvenile offense proceedings; and adding a new section  
3 to chapter 10.58 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 10.58 RCW  
6 to read as follows:

7            (1) In criminal and juvenile offense proceedings where independent  
8 proof of the corpus delicti is absent, and the alleged victim of the  
9 crime is dead or incompetent to testify, a lawfully obtained and  
10 otherwise admissible confession, admission, or other statement of the  
11 defendant shall be admissible into evidence if there is substantial  
12 independent evidence that would tend to establish the trustworthiness  
13 of the confession, admission, or other statement of the defendant.

14            (2) In determining whether there is substantial independent  
15 evidence that the confession, admission, or other statement of the  
16 defendant is trustworthy, the court shall consider, but is not limited  
17 to:

18            (a) Whether there is any evidence corroborating or contradicting

1 the facts set out in the statement, including the elements of the  
2 offense;

3 (b) The character of the witness reporting the statement and the  
4 number of witnesses to the statement;

5 (c) Whether a record of the statement was made and the timing of  
6 the making of the record in relation to the making of the statement;  
7 and/or

8 (d) The relationship between the witness and the defendant.

9 (3) Where the court finds that the confession, admission, or other  
10 statement of the defendant is sufficiently trustworthy to be admitted,  
11 the court shall issue a written order setting forth the rationale for  
12 admission.

13 (4) Nothing in this section may be construed to prevent the  
14 defendant from arguing to the jury or judge in a bench trial that the  
15 statement is not trustworthy or that the evidence is otherwise  
16 insufficient to convict.

Passed by the House March 17, 2003.  
Passed by the Senate April 15, 2003.  
Approved by the Governor May 9, 2003.  
Filed in Office of Secretary of State May 9, 2003.