

2943

Sponsor(s): Representatives O'Brien, Delvin and Lantz

Brief Description: Regarding the admissibility of statements made by dependent persons.

HB 2943 - DIGEST

Declares an intent that this act make admissible as evidence the reliable hearsay of dependent persons beyond what is currently admissible, while respecting the constitutional rights of other parties. When utilizing the hearsay exception pursuant to this act, courts may find guidance in *State v. Ryan*, 103 Wn.2d 165 (1984), while recognizing the different factors set forth in this act as well as other factors that may apply to dependent persons.

Intends this act to facilitate fair and just adjudication of criminal and juvenile cases involving dependent persons in this state.

Provides that an out-of-court statement made by a dependent person describing an assault, a sex offense, coercion, criminal mistreatment, extortion, or fraud committed against the dependent person declarant is admissible in evidence in a criminal trial or juvenile offense adjudication proceeding if: (1) The court finds in a hearing conducted outside the presence of the jury, if any, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The dependent person either: (a) testifies; or (b) the court finds the dependent person is unavailable as a witness, but when the dependent person is unavailable as a witness, the statement may be admitted only if there is corroborative evidence of the act.

Provides that a statement may not be admitted under this act unless the proponent of the statement gives notice to the adverse party of his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to challenge the admissibility of the statement at a hearing. The court shall state the basis for its ruling by making specific findings of fact on the record.