
SENATE BILL 5885

State of Washington **66th Legislature** **2019 Regular Session**

By Senators Padden, Dhingra, O'Ban, Wilson, C., and Nguyen

Read first time 02/11/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to the admissibility of testimony of children in
2 criminal and dependency proceedings; 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 (1) A statement not otherwise admissible by statute or court
7 rule, is admissible in evidence in dependency proceedings under Title
8 13 RCW and criminal proceedings, including juvenile offense
9 adjudications, in the courts of the state of Washington if:

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

19 (ii) It is made by a child when under the age of sixteen
20 describing any act of trafficking under RCW 9A.40.100 performed with

1 or on the child or describing any attempted act of trafficking under
2 RCW 9A.40.100 with or on the child;

3 ~~((1))~~ (b) The court finds, in a hearing conducted outside the
4 presence of the jury, that the time, content, and circumstances of
5 the statement provide sufficient indicia of reliability; and

6 ~~((2))~~ (c) The child either:

7 ~~((a))~~ (i) Testifies at the proceedings; or

8 ~~((b))~~ (ii) Is unavailable as a witness(~~PROVIDED~~), except
9 that when the child is unavailable as a witness, such statement may
10 be admitted only if there is corroborative evidence of the act.

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

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