

# SENATE BILL REPORT

## SB 5169

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As of January 20, 2025

**Title:** An act relating to testimony of children.

**Brief Description:** Concerning testimony of children.

**Sponsors:** Senators Nobles, Dhingra, Trudeau and Wilson, C..

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/25.

**Brief Summary of Bill**

- Permits statements made by children under the age of 18 that describe certain offenses to be admissible as evidence in certain proceedings.
- Clarifies that closed-circuit television may be used to conduct testimony of children that describe attempted acts of trafficking, sexual exploitation of children, or violent offenses.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**Background:** Statements Made by Children. Hearsay is an out-of-court statement offered in court as evidence to prove the truth of the matter asserted. When a witness' testimony includes hearsay, the truth and accuracy of those statements cannot be tested by cross-examination, such as when the declarant of the statement is not available to testify in court. Under the rules of evidence, hearsay is generally not admissible. Exceptions to the hearsay rule exist in court rules and statutes.

For example, a statement not otherwise admissible but made by a child is admissible evidence in dependency proceedings, adult criminal proceedings, and juvenile offense

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adjudications under the following circumstances:

- if the statement is made by a child under the age of ten and describes any sexual contact or attempted sexual contact performed with or on the child, or describes any act of physical abuse of the child that results in substantial bodily harm; or
- if the statement is made by a minor under the age of 18 and describes trafficking, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for the commercial sexual abuse of a minor performed with or on the child.

Closed-Circuit Television. In a criminal proceeding, the court may order that a child under the age of 18 may testify in a room outside the presence of the defendant and the jury while one-way closed-circuit television equipment simultaneously projects the child's testimony so the defendant and the jury can watch and hear the child testify if, among other requirements, the testimony of the child describes the following:

- an act or attempted act of sexual contact against the child or another child;
- an act or attempted act of physical abuse against the child or another child;
- a violation of trafficking or sexual exploitation of children offense; or
- a violent offense committed against or by a person known by or familiar to the child.

**Summary of Bill:** Statements Made by Children. A statement not otherwise admissible but made by a child under the age of 18 is admissible evidence in dependency proceedings, adult criminal proceedings, and juvenile offense adjudications if the statement describes one of the following:

- acts or attempted acts of sexual contact performed with or on either the child or another child;
- acts or attempted acts of physical abuse against either the child or another child;
- trafficking or sexual exploitation of children violations or attempted violations; or,
- violent offenses or attempted violent offenses committed against or by a person known by or familiar to the child.

Closed-Circuit Television. Closed-circuit television may be used to conduct the testimony of a child under the age of 18 if the testimony will describe attempted acts of trafficking, sexual exploitation of children, or violent offenses.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.