

HOUSE BILL REPORT

SHB 1830

As Amended by the Senate

Title: An act relating to admissibility of children's statements.

Brief Description: Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings.

Sponsor(s): By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer).

Brief History:

Reported by House Committee on:
Judiciary, March 1, 1991, DPS;
Passed House, March 18, 1991, 98-0;
Amended by Senate.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1830 be substituted therefor, and the substitute bill do pass.*
Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: The chapter on sexual offenses contains a statute that provides for the admission of child hearsay into evidence under certain circumstances. A statement made by a child under the age of 10 describing an act of sexual contact performed with or on the child by another, not otherwise admissible, is admissible in evidence in dependency and "criminal" proceedings if the court finds that the time, content, or circumstances of the statement provide sufficient indicia of reliability and the child either testifies at the hearing or is unavailable as a witness and corroborative evidence of the act exists.

The statute has been applied in criminal proceedings against adults and against juveniles. However, in a recent superior court decision by a court commissioner, the court held that the child hearsay statute did not apply to child victims of sexual abuse who were abused by juveniles.

Summary of Bill: The child hearsay statute is amended to clarify that the child hearsay statute applies in juvenile offender proceedings under the Juvenile Justice Act. The act is intended to clarify the original intent of the Legislature and is not intended to make any substantive change in the application of the child hearsay statute.

EFFECT OF SENATE AMENDMENT(S): The intent section is stricken. A provision is added that allows use of the hearsay exception in cases of attempted sexual contact. The language specifically including juvenile offense adjudications is technically rewritten.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Clarification of the intent of the Legislature regarding the application of the child hearsay statute to juvenile sexual assault cases appears necessary given a recent erroneous commissioner ruling to the contrary.

Testimony Against: None.

Witnesses: Dawn Larsen, Washington Coalition of Sexual Assault Programs (pro); Colleen Waterhouse, Department of Social and Health Services and DCFS (pro); and Stephanie Carter, Washington Association of Prosecuting Attorneys (pro).

VOTE ON FINAL PASSAGE:

Yeas 98; Nays 0; Excused 0