

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action: Without recommendation as to Passage but with Amendments to the A-Eng. Measure and Be Referred to the Committee on Rules (Printed B-Eng.)

Vote: 5 - 0 - 0

Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski

Nays: 0

Exc.: 0

Prepared By: Shannon Sivell, Counsel

Meeting Dates: 5/21, 5/26, 5/28

WHAT THE MEASURE DOES: Modifies law that requires corroboration before confession is admissible and creates exception for sex crimes against vulnerable victims when confession is deemed trustworthy and victim is incompetent to testify. Requires state to file notice of intention to rely on confession alone within 60 days of arraignment, or defendant's entry of an initial plea, unless court finds good cause. Adds factor to be considered by court when determining whether confession alone is sufficient.

ISSUES DISCUSSED:

- Reliability of confessions
- Vulnerable victims
- Safeguards

EFFECT OF COMMITTEE AMENDMENT: Requires state to file notice of intention to rely on confession alone within 60 days of arraignment, or defendant's entry of an initial plea, unless court finds good cause. Adds factor to be considered by court when determining whether a confession alone is sufficient – the relationship between defendant and person to whom defendant confessed. Removes language from the measure that would have placed further restrictions on admissibility of defendant's statements or conduct.

BACKGROUND: Under current law, a confession alone is not sufficient to convict an offender without some other proof that the crime was committed. As applied to sex crimes, the current law provides a safeguard to offenders who choose vulnerable victims such as the very young, the elderly or the severely disabled, because they may be legally incompetent to testify against their accuser. There is often no physical evidence associated with sex abuse cases. If the victim is unable to testify as to the abuse, and no physical evidence is found, prosecutors generally find that they are unable to prosecute these cases. HB 2441B addresses this narrow class of cases by providing a framework that judges can use to evaluate an offender's admissions and determine whether it is sufficient to warrant a conviction without further proof.