

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the B-Eng. Measure (Printed C-Eng.)

Vote: 5 - 0 - 0

Yeas: Atkinson, Burdick, Ferrioli, Metsger, Devlin

Nays: -

Exc.: -

Prepared By: Erin Seiler, Administrator

Meeting Dates: 6/8, 6/12, 6/15

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 confession be made to peace officer, federal officer, or Department of Human Services (DHS) investigator acting in their official capacity. 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 as a factor to be considered by court when determining whether confession alone is sufficient.

ISSUES DISCUSSED:

- Protection of vulnerable victims
- Difficulties obtaining physical evidence
- Narrow class of cases to which confession statute would be applicable

EFFECT OF COMMITTEE AMENDMENT: Requires confession be made to peace officer, federal officer, or DHS investigator acting in their official capacity.

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.

House Bill 2441-C 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.