

HOUSE MESSAGE SUMMARY

BILL: CS/SB 840

[S0840.HMS]

SPONSOR: Criminal Justice Committee and Senators Carlton and McKay

SUBJECT: Sexual Abuse Cases

PREPARED BY: Senate Committee on Criminal Justice

DATE: May 4, 2000

I. Amendments Contained in Message

House Amendment 1 - 463137 (body).

House Amendment 2 - 935119 (body)

II. Summary of Amendments Contained in Message

House Amendment 1 provides that a confession or admission of a defendant which is subject to admissibility into evidence under the “trustworthiness” test must be “memorialized,” i.e., written or recorded, rather than oral.

House Amendment 2 provides that as a condition precedent to a court determining whether a confession or admission of a defendant is admissible into evidence under the “trustworthiness” test, there must be a finding by the court that the state is unable to show the existence of each element of the crime charged. Provided also is a non-inclusive list of factors which may be relevant in making that finding.