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HOUSE BILL 1557

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Riccelli, Shea, Stokesbary, McCaslin, and Orwall

Read first time 01/22/15. Referred to Committee on Judiciary.

1            AN ACT Relating to informant and accomplice evidence and  
2 testimony; adding new sections to chapter 10.58 RCW; and creating a  
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature finds that evidence and  
6 testimony from accomplices and criminal informants are inherently  
7 suspect because a system in which accomplices and criminal informants  
8 are rewarded by the state produces dangerous incentives to  
9 manufacture or fabricate evidence.

10           The purpose of this act is to keep unreliable accomplice and  
11 informant testimony out of court. This act is intended to address the  
12 unreliability of accomplice and criminal informant evidence and  
13 testimony by ensuring that the jury is fully informed when an  
14 accomplice or informant testifies.

15           NEW SECTION.    **Sec. 2.** The definitions in this section apply  
16 throughout this chapter unless the context clearly requires  
17 otherwise.

18           (1) "Accomplice" means a person who knowingly promotes or  
19 facilitates the commission of a crime and either solicits, commands,

1 encourages, or requests another person to commit the crime; or aids  
2 or agrees to aid another person in planning or committing the crime.

3 (2) "Consideration" means something of value including, but not  
4 limited to, any of the following: Favorable treatment, immunity, a  
5 promise that the testimony will not be used in any case against the  
6 witness, a plea bargain, bail consideration, reduction or  
7 modification of sentence, or any other leniency, compensation,  
8 benefit, financial assistance, reward, or amelioration of current or  
9 future conditions of incarceration.

10 (3) "Informant" means any criminal suspect, whether or not he or  
11 she is detained or incarcerated, who provides information in exchange  
12 for a deal, promise, inducement, or benefit, or expectation thereof.  
13 This term does not include victims of the crime being prosecuted or  
14 experts.

15 NEW SECTION. **Sec. 3.** (1) When a witness, other than an expert  
16 witness, receives, expects to receive, or has been promised  
17 consideration in exchange for his or her testimony, the judge and  
18 jury shall consider the potential that the consideration exchanged  
19 may influence the testimony. Juries shall examine the testimony with  
20 greater caution than the testimony of other witnesses whether the  
21 witness testifies for the state or for the defense.

22 (2) A jury may not convict a defendant based on the  
23 uncorroborated testimony of an accomplice or an informant unless the  
24 court cautions the jury to subject the testimony to careful  
25 examination in light of other evidence presented and the jury finds  
26 the testimony true beyond a reasonable doubt.

27 NEW SECTION. **Sec. 4.** When a witness is alleged, or has admitted  
28 to be an accomplice, and has pleaded guilty to a crime arising out of  
29 the same events for which the defendant is on trial, the jury may  
30 only consider the guilty plea in determining the witness's  
31 credibility and not as evidence against the defendant.

32 NEW SECTION. **Sec. 5.** If any provision of this act or its  
33 application to any person or circumstance is held invalid, the  
34 remainder of the act or the application of the provision to other  
35 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 6.**    Sections 2 through 4 of this act are each  
2    added to chapter 10.58 RCW.

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