

HB 1790 -- ADMISSIBILITY OF A CHILD'S STATEMENT

SPONSOR: Torpey

COMMITTEE ACTION: Voted "do pass" by the Committee on Children and Families by a vote of 12 to 1.

Currently, a hearsay statement of a child under 14 years of age relating to an offense under Chapter 565, 566, 568, or 573, RSMo, performed with or on a child by another is admissible as substantive evidence if the court finds that the statement provides sufficient indicia of reliability and the child testifies at the proceedings, is unavailable as a witness, or is otherwise physically available but the court finds that significant emotional or psychological trauma would result from testifying in the presence of the defendant. This bill removes the requirement that the offense be performed with or on a child by another.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the bill originated because of an incident in Jackson County. A seven-year-old boy witnessed his stepdad murder his mother. Because of current law, he had to testify in court because the offense did not occur to him instead of allowing his statement to be admissible in court which added more stress and trauma to the child. The bill revises the statutes so that the child would not have to testify in court but his or her statement could still be admissible via other means.

Testifying for the bill were Representative Torpey; and Missouri Kids First.

OPPONENTS: There was no opposition voiced to the committee.