
SUBSTITUTE SENATE BILL 5067

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators Padden and Darneille)

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 who is not 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.

--- END ---