SLS 10RS-739

## **ORIGINAL**

Regular Session, 2010

SENATE BILL NO. 377

BY SENATOR MORRELL

EVIDENCE. Provides for the burden of proof to introduce evidence under the "forfeiture of wrongdoing" exception to hearsay. (8/15/10)

1	AN ACT
2	To amend and reenact Code of Evidence Art. 804(B)(7), relative to hearsay exceptions; to
3	provide for the burden of proof to introduce evidence; and to provide for related
4	matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Evidence Art. 804(B)(7) is hereby amended and reenacted to read
7	as follows:
8	Art. 804. Hearsay exceptions; declarant unavailable
9	* * *
10	B. Hearsay exceptions. The following are not excluded by the hearsay rule
11	if the declarant is unavailable as a witness:
12	* * *
13	(7) (a) Forfeiture by wrongdoing. A statement offered against a party that
14	has engaged or acquiesced in wrongdoing that was intended to, and did, procure the
15	unavailability of the declarant as a witness.
16	(b) A party seeking to introduce statements under the forfeiture by
17	wrongdoing hearsay exception shall establish that the party against whom the

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. 2

## 1 statement is offered, engaged in, or acquiesced to wrongdoing by a

## preponderance of the evidence.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

## DIGEST

Present law provides for the hearsay exception under the forfeiture by wrongdoing.

<u>Proposed law</u> maintains <u>present law</u> and provides for the party seeking to introduce statements under the forfeiture by wrongdoing hearsay exception will establish that the statement is offered, engaged in, or acquiesced to wrongdoing by a preponderance of the evidence.

Effective August 15, 2010.

(Amends C.E. Art. 804(B)(7))