

SENATE BILL NO. 377

BY SENATOR MORRELL

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AN ACT

To amend and reenact Code of Evidence Article 804(B)(7), relative to hearsay exceptions; to provide for the burden of proof to introduce evidence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Evidence Article 804(B)(7) is hereby amended and reenacted to read as follows:

Art. 804. Hearsay exceptions; declarant unavailable

* * *

B. Hearsay exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

* * *

(7) (a) Forfeiture by wrongdoing. A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

(b) A party seeking to introduce statements under the forfeiture by wrongdoing hearsay exception shall establish, by a preponderance of the evidence, that the party against whom the statement is offered, engaged or acquiesced in the wrongdoing.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____