ENROLLED

Regular Session, 2009

HOUSE BILL NO. 256

BY REPRESENTATIVE RICHARDSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact Code of Evidence Article 804(B)(7), relative to hearsay exceptions when declarant is unavailable; to allow the introduction of a statement made by a witness when the declarant is unavailable because of actions taken by a party against whom the statement is offered; 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 enacted 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:

* * *

<u>(7) 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.</u>

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words <u>underscored</u> are additions.