

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE: AMENDMENTS TO TENNESSEE )  
RULES OF EVIDENCE ) No. \_\_\_\_\_  
)

ORDER

The Court adopts the attached amendments effective July 1, 1999, subject to approval by resolutions of the General Assembly.

Enter this the 26th day of January, 1999.

FOR THE COURT:

\_\_\_\_\_  
E. Riley Anderson, Chief Justice

TENNESSEE RULES OF EVIDENCE

RULE 412

SEX OFFENSE CASES; RELEVANCE OF  
VICTIM'S SEXUAL BEHAVIOR

[Add at end of list of statutes in first paragraph:]

, T.C.A. §39-13-522 [rape of a child], T.C.A. §39-15-302 [incest], T.C.A. §39-13-506  
[statutory rape], T.C.A. §39-13-527 [sexual battery by an authority figure], T.C.A.  
§39-13-528 [solicitation of minors for sexual acts],

**Advisory Commission Comment**

The amendment adds other sex offenses.

TENNESSEE RULES OF EVIDENCE

RULE 804

HEARSAY EXCEPTIONS; DECLARANT UNAVAILABLE

(b) Hearsay Exceptions

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

**Advisory Commission Comment**

Rule 804(b)(6) adds a new hearsay exception. It seems only fair to let a party offer any extrajudicial statements of declarants whose unavailability was procured by the opponent.

TENNESSEE RULES OF EVIDENCE

RULE 1001

DEFINITIONS

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**Advisory Commission Comment**

The Commission believes that the language in subsection (1) defining “writings and recording” is sufficiently broad to cover electronic imaging, a process by which documents are read into a computer by a scanner for electronic storage. That is a “form of data compilation.” Moreover, the General Assembly reenacted the Uniform Photographic Copies of Business and Public Records as Evidence Act, T.C.A. §24-7-119, effective April 29, 1998.