

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**

January 30, 1998

Cecil W. Crowson  
Appellate Court Clerk

IN RE: AMENDMENTS TO TENNESSEE  
RULES OF EVIDENCE

)  
) No. \_\_\_\_\_  
)

**ORDER**

The Court adopts the attached amendments effective July 1, 1998, subject to approval by resolutions of the General Assembly.

Enter this the 30th day of January, 1998.

FOR THE COURT:

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

TENNESSEE RULES OF EVIDENCE

RULE 804

HEARSAY EXCEPTIONS; DECLARANT UNAVAILABLE

(a) Definition of Unavailability. [Change the second sentence to read:]

A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for the purpose of preventing the witness from attending or testifying.

**Advisory Commission Comment**

The amendment to Rule 804(a) is technical.