

CS/HB 701

2012

1                   A bill to be entitled  
2       An act relating to the Florida Evidence Code; amending  
3       s. 90.804, F.S.; providing that a statement offered  
4       against a party that wrongfully caused the declarant's  
5       unavailability is not excluded as hearsay; providing  
6       an effective date.

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8   Be It Enacted by the Legislature of the State of Florida:

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10       Section 1. Paragraph (f) is added to subsection (2) of  
11       section 90.804, Florida Statutes, to read:

12       90.804 Hearsay exceptions; declarant unavailable.—

13       (2) HEARSAY EXCEPTIONS.—The following are not excluded  
14       under s. 90.802, provided that the declarant is unavailable as a  
15       witness:

16       (f) Statement offered against a party that wrongfully  
17       caused the declarant's unavailability.—A statement offered  
18       against a party that wrongfully caused, or acquiesced in  
19       wrongfully causing, the declarant's unavailability as a witness,  
20       and did so intending that result.

21       Section 2. This act shall take effect upon becoming a law.