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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/09/2014	.	
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The Committee on Rules (Smith) recommended the following:

Senate Substitute for Amendment (387314)

Delete lines 15 - 18

and insert:

(25) HEARSAY EXCEPTION; STATEMENT OF DOMESTIC VIOLENCE
VICTIM.-

(a) A statement that purports to narrate, describe, report,
or explain an act of domestic violence as defined in s. 741.28
made by a victim of the domestic violence if the statement was
recorded electronically or in writing, was made to a law
enforcement officer to enable the law enforcement agency to



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12 respond to an ongoing emergency, and has sufficient indicia of
13 reliability.

14 (b) In determining whether a statement has sufficient
15 indicia of reliability under paragraph (a), the court shall
16 consider all circumstances surrounding the statement, including,
17 but not limited to:

18 1. Whether the statement is corroborated by evidence other
19 than statements that are subject to admission only pursuant to
20 this subsection;

21 2. The timing of the statement;

22 3. Whether the statement was elicited by leading questions;

23 and

24 4. Subsequent statements made by the victim. The victim's
25 reaction alone is not sufficient reason for denying admission of
26 a statement under this subsection unless there are other factors
27 also indicating unreliability.