

By Senator Detert

28-00745A-14

2014764__

1 A bill to be entitled
2 An act relating to hearsay; amending s. 90.801, F.S.;
3 providing that a statement that is inconsistent with
4 the declarant's testimony is not hearsay regardless of
5 whether it was given under oath subject to the penalty
6 of perjury at a trial, hearing, or other proceeding or
7 in a deposition; providing an effective date.

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

10
11 Section 1. Subsection (2) of section 90.801, Florida
12 Statutes, is amended to read:

13 90.801 Hearsay; definitions; exceptions.—

14 (2) A statement is not hearsay if the declarant testifies
15 at the trial or hearing and is subject to cross-examination
16 concerning the statement and the statement is:

17 (a) Inconsistent with the declarant's testimony ~~and was~~
18 ~~given under oath subject to the penalty of perjury at a trial,~~
19 ~~hearing, or other proceeding or in a deposition;~~

20 (b) Consistent with the declarant's testimony and is
21 offered to rebut an express or implied charge against the
22 declarant of improper influence, motive, or recent fabrication;
23 or

24 (c) One of identification of a person made after perceiving
25 the person.

26 Section 2. This act shall take effect July 1, 2014.