



2013 ASSEMBLY BILL 153

April 15, 2013 – Introduced by Representatives STEINEKE, HUTTON, JACQUE, SPIROS, MARKLEIN and KLEEFISCH. Referred to Committee on Judiciary.

1 **AN ACT** *to create* 908.045 (3m) of the statutes; **relating to:** an exception to the
2 hearsay rule of evidence if a witness is unavailable.

Analysis by the Legislative Reference Bureau

Under current law, hearsay evidence (a statement, other than one made by a person who is testifying in court, that is offered to prove the truth of the matter asserted) is generally inadmissible in civil and criminal court proceedings. Current law offers some exceptions to the rule that hearsay is inadmissible if the hearsay was spoken by a person (declarant) who is unavailable to testify at the proceeding.

Exceptions include including admitting a statement from a declarant who believed his or her death was imminent, a statement made by a declarant in a prior court proceeding, and under certain circumstances, a statement a declarant made that was against his or her own interests. Current law allows a court to admit hearsay evidence not covered by one of the specific exceptions if the court finds that the evidence has circumstantial guarantees of trustworthiness.

This bill creates an exception to the hearsay rule to allow a statement made by a declarant who is unavailable to testify as a witness at a proceeding if the declarant's statement is made against a party who wrongfully caused the declarant to be unavailable.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

