

HB 548 --FORFEITURE BY WRONGDOING

SPONSOR: Hovis

This bill specifies that an otherwise inadmissible witness statement is admissible in evidence in a criminal proceeding as substantive evidence if the court, after a hearing, finds by a preponderance of the evidence that the defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness, such wrongdoing caused the unavailability of the witness, the prosecution exercised due diligence to secure by subpoena or other means the attendance of the witness, and the witness failed to appear.

This bill is similar to HCS HB 2 (1st Extraordinary Session 2020) and HCS HB 1964 (2020).