

FINAL REPORT¹

REVISION OF THE *COMMENT* TO RULE OF EVIDENCE 802

On February 19, 2014, effective April 1, 2014, 2013, upon the joint recommendation of the Criminal Procedural Rules Committee and the Committee on Rules of Evidence, the Court adopted new Pennsylvania Rule of Criminal Procedure 574 and a corollary revision to the *Comment* to Pennsylvania Rule of Evidence 802

Historically, the *Comment* to Rule of Evidence 802 was intended to inform that the Rules of Evidence do not attempt to codify requirements under the Confrontation Clause. See Pa.R.E. 802, *Comment*. Moreover, the Rules of Evidence acknowledge that evidentiary rules may exist in other bodies of rules. *Id.*

The new Criminal Rule of Procedure 574 will operate both as a “notice and demand” mechanism to satisfy the requirements of the Confrontation Clause and as a new rule of evidence that will permit the admission of laboratory reports in criminal trials. Accordingly, the *Comment* to Rule 802 was amended to recognize this new Rule and describe its operation.

¹ The Committee’s Final Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Committee’s explanatory Final Reports.