

**SUPREME COURT OF PENNSYLVANIA
COMMITTEE ON RULES OF EVIDENCE**

FINAL REPORT¹

Amendment of Pa.R.E. 803(1) & 803(2)

On October 25, 2018, effective December 1, 2018, upon recommendation of the Committee on Rules of Evidence, the Court ordered the amendment of Pennsylvania Rules of Evidence 803(1) and 803(2) to add a requirement of independent corroborating evidence when the declarant is unidentified.

Previously, the strict application of Pa.R.E. 803(1) and Pa.R.E. 803(2) did not consider whether the declarant was identified. However, evolving case law added a requirement of independent corroborating evidence that the declarant actually perceived the event or condition when the declarant is unidentified. *See, e.g., Commonwealth v. Upshur*, 764 A.2d 69 (Pa. Super. 2000); *Commonwealth v. Hood*, 872 A.2d 175 (Pa. Super. 2005). The Committee recommended amendment of Pa.R.E. 803(1) and Pa.R.E. 803(2) to contain this requirement as a means of ensuring the reliability of the declarant's statement, especially if the declarant is not identified.

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.