

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 16, 2012
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB12-1085 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 5, line 11, strike "AND THE" and substitute "AND
2 EITHER:".

3 Page 5, strike lines 12 through 15 and substitute:

4 "(a) THE STATEMENT IS A NONTESTIMONIAL STATEMENT; OR
5 (b) (I) THE DECLARANT TESTIFIES AT THE PROCEEDINGS; OR
6 (II) IF THE DECLARANT IS UNAVAILABLE TO TESTIFY, THE
7 DEFENDANT HAS HAD AN OPPORTUNITY TO CROSS-EXAMINE THE
8 DECLARANT IN A PREVIOUS PROCEEDING AND THERE IS CORROBORATIVE
9 EVIDENCE OF THE ACT WHICH IS THE SUBJECT OF THE STATEMENT.".

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