

Supreme Court

In re: Amendment to Rule 801(d)(1)(C) of the :  
Rhode Island Rules of Evidence :  
(Prior Statement by Witness) :

ORDER

Article VIII, Rule 801 of the Rhode Island Rules of Evidence is hereby amended  
as follows:

**“Rule 801. Definitions.** – The following definitions apply under this  
article:

\* \* \*

*(d) Statements Which Are Not Hearsay.* A statement is not hearsay if:

*(1) Prior Statement by Witness.* The declarant testifies at the trial or  
hearing and is subject to cross-examination concerning the statement, and  
the statement is (A) inconsistent with the declarant’s testimony, or (B)  
consistent with the declarant’s testimony and is offered to rebut an express  
or implied charge against the declarant of recent fabrication or improper  
influence or motive, or (C) one of identification of a person made after  
~~perceiving the declarant~~ the declarant perceived the person being  
identified; or

*(2) Statement by Party-Opponent.* The statement is offered against a  
party and is (A) the party's own statement, in either the party's individual  
or a representative capacity or (B) a statement of which the party has  
manifested his or her adoption or belief in its truth, or (C) a statement by a  
person authorized by the party to make a statement concerning the subject,  
or (D) a statement by the party's agent or servant concerning a matter  
within the scope of the party's agency or employment, made during the  
existence of the relationship, or (E) a statement by a coconspirator of a  
party during the course and in furtherance of the conspiracy.”

Entered as an Order of this Court this 31<sup>st</sup> day of *January 2013*.

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/s/  
Suttell, C. J.

\_\_\_\_\_  
/s/  
Goldberg, J.

/s/            
Flaherty, J.

          /s/            
Robinson, J.

          /s/            
Indeglia, J.