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December 22, 2014

Annual Report of the Advisory Committee on the Rules of Evidence -2014

Dear Ms. Gabel:

The chair of the Committee, Jerome O'Neill, has authorized me to file this report on behalf of the Committee.

The Committee held in person meetings on January 17 and April 25, and a teleconference on May 15. At these meetings, the Committee discussed proposed amendments to VRE 804A and 807 and heard from diverse parties in support or opposition to the amendments.

As a result of these discussions, the Committee submitted a proposed amendment to rule 807. The amendment replaces offensive and outdated language describing individuals with disabilities, making the Rule's language consistent with 2013, No. 96 (Adj. Sess.) (effective July 1, 2014), An Act Relating to Respectful Language in the Vermont Statutes Annotated.

In addition, the Committee proposed an amendment to Rule 807(a) to expand the proceedings to which it applies. With the proposed 807(a)(6) subsection, those proceedings will include prosecutions for domestic assault under 13 V.S.A. § 1042 or aggravated domestic assault under 13 V.S.A. §§ 1043 or 1044 alleged to have been committed against a child age 12 or under, or against a person with a psychiatric, intellectual, or developmental disability.

The Committee received no comment during the comment period, which concluded on September 19th, 2014. The Legislative Committee on Judicial Rules reviewed the amendment on December 12, 2014, and expressed no

objection to the amendments. Therefore, the Committee recommends to the Supreme Court that it promulgate the amendments.

Currently, there are no issues pending before the Committee. The Committee will continue monitoring the trends in other jurisdictions regarding the adoption of the restyled rules, following the model of the FRE.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Clara Gimenez', with a large, stylized initial 'C' and a long horizontal stroke extending to the right.

Clara Gimenez, Reporter

Cc: Members, Advisory Committee on the Rules of Evidence