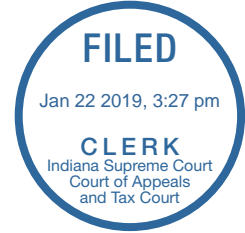


In the
Indiana Supreme Court



Cause No. 19S-MS-41

Order Amending Indiana Rules of Evidence

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Rules of Evidence are amended as follows (deletions shown by striking and new text shown by underlining):

...

Rule 803. Exceptions to the Rule Against Hearsay—Regardless of Whether the Declarant Is Available as a Witness

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

...

(3) **Then-Existing Mental, Emotional, or Physical Condition**. A statement of the declarant's then-existing state of mind (such as motive, design, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered ~~or believed unless it relates to the execution, revocation, identification,~~ or believed unless it relates to the execution, revocation, identification, or terms of the declarant's will.

...

This amendment shall take effect upon the date of this Order.

Done at Indianapolis, Indiana, on 1/22/2019.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.