

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

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

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7       **(1) Present Sense Impression.** A statement describing or explaining an event or  
8 condition, made while or immediately after the declarant perceived it.

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10       **(2) Excited Utterance.** A statement relating to a startling event or condition, made  
11 while the declarant was under the stress of excitement that it caused.

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

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19       **(4) Statement Made for Medical Diagnosis or Treatment.** A statement that:

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21       **(A)** is made for — and is reasonably pertinent to — medical diagnosis or treatment;  
22 and

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24       **(B)** describes medical history; past or present symptoms or sensations; their  
25 inception; or their general cause.

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27       **(5) Recorded Recollection.** A record that:

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29       **(A)** is on a matter the witness once knew about but now cannot recall well enough to  
30 testify fully and accurately;

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32       **(B)** was made or adopted by the witness when the matter was fresh in the witness's  
33 memory; and

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35       **(C)** accurately reflects the witness's knowledge.

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37       If admitted, the record may be read into evidence but may be received as an exhibit  
38 only if offered by an adverse party.

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40       **(6) Records of a Regularly Conducted Activity.** A record of an act, event,  
41 condition, opinion, or diagnosis if:

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43       **(A)** the record was made at or near the time by — or from information transmitted by  
44 — someone with knowledge;

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46 (B) the record was kept in the course of a regularly conducted activity of a business,  
47 organization, occupation, or calling, whether or not for profit;

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49 (C) making the record was a regular practice of that activity;

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51 (D) all these conditions are shown by the testimony of the custodian or another  
52 qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a  
53 statute permitting certification; and

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55 (E) neither the source of information nor the method or circumstances of preparation  
56 indicate a lack of trustworthiness.

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58 (7) **Absence of a Record of a Regularly Conducted Activity.** Evidence that a  
59 matter is not included in a record described in paragraph (6) if:

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61 (A) the evidence is admitted to prove that the matter did not occur or exist;

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63 (B) a record was regularly kept for a matter of that kind; and

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65 (C) neither the possible source of the information nor other circumstances indicate a  
66 lack of trustworthiness.

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68 (8) **Public Records.** A record or statement of a public office if:

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70 (A) it sets out:

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72 (i) the office's activities;

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74 (ii) a matter observed while under a legal duty to report, but not including, in a  
75 criminal case, a matter observed by law-enforcement personnel; or

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77 (iii) in a civil case or against the government in a criminal case, factual findings from  
78 a legally authorized investigation; and

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80 (B) neither the source of information nor other circumstances indicate a lack of  
81 trustworthiness.

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83 (9) **Public Records of Vital Statistics.** A record of a birth, death, or marriage, if  
84 reported to a public office in accordance with a legal duty.

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86 (10) **Absence of a Public Record.** Testimony — or a certification under Rule 902 —  
87 that a diligent search failed to disclose a public record or statement if ~~the testimony or~~  
88 ~~certification is admitted to prove that:~~

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90 (A) the testimony or certification is admitted to prove that

91 (A<sub>i</sub>) the record or statement does not exist; or

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93 (B<sub>ii</sub>) a matter did not occur or exist, if a public office regularly kept a record or  
94 statement for a matter of that kind; and

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96 (B) in a criminal case, a prosecutor who intends to offer a certification provides  
97 written notice of that intent at least 14 days before trial, and the defendant does not  
98 object in writing within 7 days of receiving the notice – unless the court sets a different  
99 time for the notice or the objection.

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101 **(11) Records of Religious Organizations Concerning Personal or Family**

102 **History.** A statement of birth, legitimacy, ancestry, marriage, divorce, death,  
103 relationship by blood or marriage, or similar facts of personal or family history, contained  
104 in a regularly kept record of a religious organization.

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106 **(12) Certificates of Marriage, Baptism, and Similar Ceremonies.** A statement of  
107 fact contained in a certificate:

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109 (A) made by a person who is authorized by a religious organization or by law to  
110 perform the act certified;

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112 (B) attesting that the person performed a marriage or similar ceremony or  
113 administered a sacrament; and

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115 (C) purporting to have been issued at the time of the act or within a reasonable time  
116 after it.

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118 **(13) Family Records.** A statement of fact about personal or family history contained  
119 in a family record, such as a Bible, genealogy, chart, engraving on a ring, inscription on  
120 a portrait, or engraving on an urn or burial marker.

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122 **(14) Records of Documents That Affect an Interest in Property.** The record of a  
123 document that purports to establish or affect an interest in property if:

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125 (A) the record is admitted to prove the content of the original recorded document,  
126 along with its signing and its delivery by each person who purports to have signed it;

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128 (B) the record is kept in a public office; and

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130 (C) a statute authorizes recording documents of that kind in that office.

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132 **(15) Statements in Documents That Affect an Interest in Property.** A statement  
133 contained in a document that purports to establish or affect an interest in property if the  
134 matter stated was relevant to the document's purpose — unless later dealings with the  
135 property are inconsistent with the truth of the statement or the purport of the document.

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**(16) Statements in Ancient Documents.** A statement in a document that is at least 20 years old and whose authenticity is established.

**(17) Market Reports and Similar Commercial Publications.** Market quotations, lists, directories, or other compilations that are generally relied on by the public or by persons in particular occupations.

**(18) Statements in Learned Treatises, Periodicals, or Pamphlets.** A statement contained in a treatise, periodical, or pamphlet if:

**(A)** the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and

**(B)** the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence but not received as an exhibit.

**(19) Reputation Concerning Personal or Family History.** A reputation among a person's family by blood, adoption, or marriage — or among a person's associates or in the community — concerning the person's birth, adoption, legitimacy, ancestry, marriage, divorce, death, relationship by blood, adoption, or marriage, or similar facts of personal or family history.

**(20) Reputation Concerning Boundaries or General History.** A reputation in a community — arising before the controversy — concerning boundaries of land in the community or customs that affect the land, or concerning general historical events important to that community, state, or nation.

**(21) Reputation Concerning Character.** A reputation among a person's associates or in the community concerning the person's character.

**(22) Judgment of a Previous Conviction.** Evidence of a final judgment of conviction if:

**(A)** the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;

**(B)** the conviction was for a crime punishable by death or by imprisonment for more than a year;

**(C)** the evidence is admitted to prove any fact essential to the judgment; and

180 (D) when offered by the prosecutor in a criminal case for a purpose other than  
181 impeachment, the judgment was against the defendant.

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183 The pendency of an appeal may be shown but does not affect admissibility.

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185 **(23) Judgments Involving Personal, Family, or General History or a Boundary.**

186 A judgment that is admitted to prove a matter of personal, family, or general history, or  
187 boundaries, if the matter:

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189 (A) was essential to the judgment; and

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191 (B) could be proved by evidence of reputation.

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193 **(24) [Other exceptions.]** [Transferred to Rule 807.]

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196 **2014 Advisory Committee Note – This rule is the federal rule, verbatim. The 2014**  
197 **amendment adopts changes made to Federal Rule 803(1) effective December 1, 2013.**

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199 **2011 Advisory Committee Note –** The language of this rule has been amended as  
200 part of the restyling of the Evidence Rules to make them more easily understood and to  
201 make style and terminology consistent throughout the rules. These changes are  
202 intended to be stylistic only. There is no intent to change any result in any ruling on  
203 evidence admissibility. This rule is the federal rule, verbatim.

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205 **2001 Advisory Committee Note –** This rule is the federal rule verbatim. The 2001  
206 amendment adopts changes made to Federal Rule of Evidence 803(6) effective  
207 December 1, 2000. **2014 Advisory Committee Note – This rule is the federal rule,**  
208 **verbatim. The 2014 amendment adopts changes made to Federal Rule 803(1) effective**  
209 **December 1, 2013.**