

M.R. 24138

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered September 17, 2019.

(Deleted material is struck through, and new material is underscored.)

Effective immediately, Illinois Rules of Evidence 613, 901, and 1101 are amended, as follows.

Amended Rule 613

Rule 613.

PRIOR STATEMENTS OF WITNESSES

(a) Examining Witness Concerning Prior Statement. In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

(b) Extrinsic Evidence of Prior Inconsistent Statement of Witness. Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is first afforded an opportunity to explain or deny the same and the opposing party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require. This provision does not apply to statements of a party-opponent as defined in Rule 801(d)(2).

(c) Evidence of Prior Consistent Statement of Witness. Except for a hearsay statement otherwise admissible under evidence rules, a prior statement that is consistent with the declarant-witness's testimony is admissible, for rehabilitation purposes only and not substantively as a hearsay exception or exclusion, when the declarant testifies at the trial or hearing and is available to the opposing party for examination concerning the statement, and the statement is offered to rebut an express or implied charge that:

(i) the witness acted from an improper influence or motive to testify falsely, if that influence or motive did not exist when the statement was made; or

(ii) the witness's testimony was recently fabricated, if the statement was made before the alleged fabrication occurred.

Adopted September 27, 2010, eff. January 1, 2011; amended Jan. 6, 2015, eff. immediately; amended Oct. 15, 2015, eff. immediately; amended Sept. 17, 2019, eff. immediately.

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**SUPREME COURT
CLERK**

Amended Rule 901

Rule 901.

REQUIREMENT OF AUTHENTICATION OR IDENTIFICATION

(a) **General Provision.** The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

(b) **Illustrations.** By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this rule:

(1) **Testimony of Witness With Knowledge.** Testimony that a matter is what it is claimed to be.

(2) **Nonexpert Opinion on Handwriting.** Nonexpert opinion as to the genuineness of handwriting, based upon familiarity not acquired for purposes of the litigation.

(3) **Comparison by Trier or Expert Witness.** Comparison by the trier of fact or by expert witnesses with specimens which have been authenticated.

(4) **Distinctive Characteristics and the Like.** Appearance, contents, substance, internal patterns, or other distinctive characteristics of an item, including those that apply to the source of an electronic communication, taken in conjunction with the circumstances.

(5) **Voice Identification.** Identification of a voice, whether heard firsthand or through mechanical or electronic transmission or recording, by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

(6) **Telephone Conversations.** Telephone conversations, by evidence that a call was made to the number assigned at the time by the telephone company to a particular person or business, if (A) in the case of a person, circumstances, including self-identification, show the person answering to be the one called, or (B) in the case of a business, the call was made to a place of business and the conversation related to business reasonably transacted over the telephone.

(7) **Public Records or Reports.** Evidence that a writing authorized by law to be recorded or filed and in fact recorded or filed in a public office, or a purported public record, report, statement, or data compilation, in any form, is from the public office where items of this nature are kept.

(8) **Ancient Documents or Data Compilation.** Evidence that a document or data compilation, in any form, (A) is in such condition as to create no suspicion concerning its authenticity, (B) was in a place where it, if authentic, would likely be, and (C) has been in existence 20 years or more at the time it is offered.

(9) **Process or System.** Evidence describing a process or system used to produce a result and showing that the process or system produces an accurate result.

(10) **Methods Provided by Statute or Rule.** Any method of authentication or identification provided by statute or by other rules prescribed by the Supreme Court.

Adopted September 27, 2010, eff. January 1, 2011; amended Sept. 17, 2019, eff. immediately.

Amended Rule 1101

Rule 1101.

APPLICABILITY OF RULES

(a) Except as otherwise provided in paragraphs (b) and (c), these rules govern proceedings in the courts of Illinois.

(b) **Rules Inapplicable.** These rules (other than with respect to privileges) do not apply in the following situations:

(1) **Preliminary Questions of Fact.** The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under Rule 104.

(2) **Grand Jury.** Proceedings before grand juries.

(3) **Miscellaneous Proceedings.** Proceedings for extradition or rendition; preliminary examinations in criminal cases; sentencing, ~~conditional discharge or supervision~~; postconviction hearings; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise, and contempt proceedings in which the court may act summarily.

(c) **Small Claims Actions.** These rules apply to small claims actions, subject to the application of Supreme Court Rule 286(b).

Adopted September 27, 2010, eff. January 1, 2011.; amended Apr. 8, 2013, eff. immediately; amended Jan. 6, 2015, eff. immediately; amended Sept. 17, 2019, eff. immediately.