

# HOUSE . . . . . No. 1082

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By Mr. Flaherty of Boston, petition of Paul R. Sugarman, Michael F. Flaherty and another for legislation to provide that a declaration of a deceased person shall not be inadmissible in evidence as hearsay. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Seventy-Six.

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AN ACT TO EXPAND THE DECLARATION OF A DECEASED PERSON EXCEPTION TO THE HEARSAY RULE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 65 of Chapter 233 of the General Laws, as amended, is  
2 hereby further amended by inserting after the words "declaration  
3 of a deceased person" and before the word "shall", the words " , or  
4 of a person mentally or physically incapable of testifying," so  
5 that said Section 65 shall read:

6 In any action or other civil judicial proceeding, a declaration of  
7 a deceased person, or of a person mentally or physically incapable  
8 of testifying, shall not be inadmissible in evidence as hearsay or as  
9 private conversation between husband and wife, as the case may  
10 be, if the court finds it was made in good faith and upon the  
11 personal knowledge of the declarant.

