

RULE CHANGE 2025(13)

Colorado Rules of Evidence

Rule 804

Rule 804. Hearsay Exceptions: Declarant Unavailable

(a) [NO CHANGE]

(b) Hearsay Exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) - (2) [NO CHANGE]

(3) Statement Against Interest. A statement that: (A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and (B) if offered in a criminal case as one that tends to expose the declarant to criminal liability, is supported by corroborating circumstances that clearly indicate its trustworthiness after considering the totality of the circumstances under which it was made and any evidence that supports or undermines it, ~~if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.~~

(4) - (5) [NO CHANGE]

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(b) Hearsay Exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

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(3) Statement Against Interest. A statement that: (A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and (B) if offered in a criminal case as one that tends to expose the declarant to criminal liability, is supported by corroborating circumstances that clearly indicate its trustworthiness after considering the totality of the circumstances under which it was made and any evidence that supports or undermines it.

(4) - (5) [NO CHANGE]

**Amended and Adopted by the Court, En Banc, June 18, 2025, effective
September 2, 2025.**

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**