

Rule 616. Bias of Witness

For the purpose of attacking the credibility of a witness, evidence of bias, prejudice, or interest of the witness for or against any party to the case is admissible.

(Adopted effective January 1, 1990.)

Committee Comment - 1989

Rule 616 is adopted from the Uniform Rules of Evidence. Rule 616 codifies United States v. Abel, 469 U.S. 45, 105 S.Ct. 465, 83 L.Ed.2d 450 (1984) which in turn reaffirmed existing practice. Thus, the rule does not constitute a change in practice. The committee viewed the rule as useful, however, to reiterate that bias, prejudice, or interest of a witness is a fact of consequence under Rule 401. Further, the rule should make it clear that bias, prejudice, or interest is not a collateral matter, and can be established by extrinsic evidence. See State v. Underwood, 281 N.W.2d 337 (Minn. 1979); State v. Waddell, 308 N.W.2d 303 (Minn. 1981); State v. Garceau, 370 N.W.2d 34 (Minn. App. 1985). Included in bias, prejudice, or interest is evidence that the witness is being paid by a party.