

Rule 806. Attacking and Supporting Credibility of Declarant

When a hearsay statement, or a statement defined in Rule 801(d)(2)(C), (D), or (E), has been admitted in evidence, the credibility of the declarant may be attacked, and if attacked may be supported, by any evidence which would be admissible for those purposes if declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time, inconsistent with the declarant's hearsay statement, is not subject to any requirement that the declarant may have been afforded an opportunity to deny or explain. If the party against whom a hearsay statement has been admitted calls the declarant as a witness, the party is entitled to examine the declarant on the statement as if under cross-examination.

(Amended effective January 1, 1990.)

Committee Comment - 1977

The evidentiary value of a hearsay statement is dependent upon the credibility of the declarant. The proper assessment of hearsay evidence requires an opportunity to impeach and if necessary rehabilitate the credibility of the declarant. The same rules governing impeachment and rehabilitation of witnesses at trial are applicable to a hearsay declarant. However, when impeaching a hearsay declarant with an inconsistent statement, the requirement set forth in Rule 613(b) that a person be given an opportunity to explain the inconsistent statement is dispensed with. Contra Lerum v. Geving, 97 Minn. 269, 273, 105 N.W. 967, 969 (1906).