

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
12/14/2021
Clerk of the
Appellate Courts

**IN RE: PROPOSED AMENDMENTS TO TENNESSEE RULES OF
EVIDENCE**

No. ADM2021-00969

ORDER

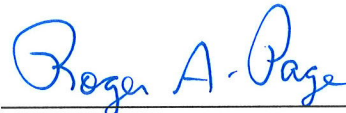
The Court adopts the attached amendments effective July 1, 2022, subject to approval by resolution of the General Assembly. The rule amended is as follows:

**RULE 412 SEX OFFENSE CASES; RELEVANCE OF
VICTIM'S SEXUAL BEHAVIOR**

The text of each amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



ROGER A. PAGE
CHIEF JUSTICE

APPENDIX

***AMENDMENTS TO THE
RULES OF EVIDENCE***

**[Deleted text is indicated by overstriking,
and new text is indicated by underlining.]**

TENNESSEE RULES OF EVIDENCE

RULE 412

SEX OFFENSE CASES; RELEVANCE OF VICTIM'S SEXUAL BEHAVIOR

[Amend Rule 412(d)(2) as indicated below:]

...

(d) Procedures. If a person accused of an offense covered by this Rule intends to offer under subdivision (b) reputation or opinion evidence or under subdivision (c) specific instances of conduct of the victim, the following procedures apply:

(1) the person must file a written motion to offer such evidence.

...

(2) Motions required by subdivision (d)(1) shall be filed under seal. When a motion required by subdivision (d)(1) is filed and found by the court to comply with the requirements of this rule, the court shall hold a hearing in chambers or otherwise out of the hearing of the public and the jury to determine whether the evidence described in the motion is admissible. The hearing shall be on the record, but the record shall be sealed except for the limited purposes of facilitating appellate review, assisting the court or parties in their preparation of the case, and to impeach under subdivision (d)(3)(iii).

Advisory Commission Comment [2022]

This amendment adds the requirement that motions required by subdivision (d)(1) of the rule shall be filed under seal.