

Alabama Rules of Evidence

Article XI. Miscellaneous Rules

Rule 1103.

Effective date.

(a) *The Rules.* In a proceeding to which Rule 1101 would make these rules applicable, these rules shall apply if the proceeding begins on or after January 1, 1996.

(b) *Amendments to the Rules and Adoption of New Rules.* In a proceeding to which Rule 1101 would make these rules applicable, an amendment to these rules or the adoption of a new rule shall apply if the proceeding begins on or after the effective date of the amendment or adoption.

[Amended 8-15-2013, Eff. 10-1-2013.]

Court Comment

Rule 1103 provides a general effective date of January 1, 1996. By the terms of Rule 1103, however, these rules will have no application in a proceeding begun before January 1, 1996, and completed on or after that date. A proceeding, for purposes of this rule, shall be understood to mean a proceeding at which evidence is to be presented. The commencement of an action is not the commencement of a "proceeding."

Advisory Committee's Notes to Amendment to Rule 1103 Effective October 1, 2013

The amendment divides Rule 1103 into two sections. The original content of Rule 1103, which provided a general effective date for the Alabama Rules of Evidence, has been placed unchanged in section (a). A new section (b) has been added to Rule 1103, which addresses to which "proceedings" amendments to the Alabama Rules of Evidence or a new rule will apply, based on the effective date of the amendment or the adoption of a new rule.

Section (b) provides that amendments to the rules of evidence and new rules shall apply to any "proceeding" begun on or after the effective date of the amendment or adoption, without regard to when the action was filed. Conversely, an amendment or new rule will have no application in a "proceeding" begun before the effective date of the amendment or adoption and completed on or after that date. As noted in the Court Comment that accompanied the original rule: "A proceeding, for purposes of this rule, shall be understood to mean a proceeding at which evidence is to be presented. The commencement of an action is not the commencement of a proceeding." See also *Smith v. State*, 797 So. 2d 503, 531 n.9 (Ala. Crim. App. 2000) (noting that Ala. R. Evid. 614(b) did not apply because defendant's trial ended before January 1, 1996, the effective date of the Rules of Evidence); *Ex parte Woodall*, 730

So. 2d 652, 661 n.3 (Ala. 1998) ("We note that the trial in this case began before January 1, 1996; therefore, the Alabama Rules of Evidence do not apply."); and 1 C. Gamble & R. Goodwin, *McElroy's Alabama Evidence* § 1.02 (6th ed. 2009) ("[T]he Alabama Rules of Evidence apply to a proceeding held on or after January 1, 1996, even though the action itself was filed or commenced prior to this date.").

Note from reporter of decisions: The order amending Rule 404(a), Rule 405(a), Rule 407, Rule 408, Rule 412, Rule 510, Rule 608(b), Rule 703, Rule 801(d), Rule 803(6), Rule 804(b), and Rule 1103, Ala. R. Evid., and adopting Rule 902(11) and (12), Ala. R. Evid., and the Advisory Committee's Notes to the amendment or adoption of these rules, effective October 1, 2013, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.