I. IN GENERAL
D. Nature and Scope of Rule.
   2. [§5] Statement Must Be Offered To Prove Truth.
   5. [§8] Other Exclusionary Rules and Impeachment.
E. Illustrations of Inadmissible Hearsay.
      (a) [§10] In General.
      (b) [§11] Statements in Judicial Proceedings.
   2. [§12] Reports and Similar Writings.
   3. [§13] Court’s Interlocutory Order.
   4. [§14] Proceedings at Coroner’s Inquest.
   5. [§15] Invoice, Bill, and Receipt.
   6. [§16] Recording of Nonparty’s Statement.
   7. [§17] Hearsay Introduced by Cross-Examination or Redirect.
F. Unavailable as a Witness.
   1. [§18] In General.
   2. Privilege.
      (a) [§19] Statutory Rule and Distinction.
      (b) [§20] Privilege Against Self-Incrimination.
      (c) [§21] Self-Incrimination Privilege Invoked Because of Fear of Perjury Prosecution.
   3. [§22] Death, Insanity, or Illness.
   8. [§27] Elder or Dependent Witness.
      (a) [§28] Statutory Rules.
      (b) [§29] Witness Out of Jurisdiction.
      (c) [§30] Diligent Search for Witness.
      (d) [§31] When Search for Witness Should Begin.
II. STATEMENTS NOT WITHIN THE RULE
A. Words That Are Part of Issue.
   2. Illustrations: Civil Cases.
      (a) [§33] Formation of Contract or Novation.
(b) §34 Defamation or Deceit.
(c) §35 Other Examples.
3. §36 Illustrations: Criminal Cases.

B. Statements That Are Relevant as Circumstantial Evidence.
1. §37 In General.
2. Evidence of Mental State of Declarant.
   (a) §38 Inference as to Belief, Intent, or Motive.
   (b) §39 Civil Cases.
   (c) §40 Criminal Cases.
3. Evidence of Mental State of Recipient.
   (a) §41 In General.
   (b) §42 Knowledge.
   (c) Belief.
      (1) §43 Civil Cases.
      (2) §44 Criminal Cases.
   (d) Good Faith or Reasonableness of Conduct.
      (1) §45 Civil Cases.
      (2) §46 Criminal Cases.

C. Nonassertive Conduct.
1. §47 Nature of Problem.
3. §49 Proof of Bookmaking.
4. §50 Proof of Selling Illegal Drugs.

D. §51 Statements Admitted To Provide Context.

III. EXCEPTIONS TO THE RULE
A. Confession of Defendant.
1. In General.
   (a) §52 Nature and Admissibility.
   (b) Exclusionary Rules.
      (1) §53 Theories and Grounds.
      (2) §54 Incapacity of Defendant.
      (3) §55 Involuntary Confession.
      (4) §56 Evidence Obtained Through Involuntary Confession.
      (5) §57 Distinction: Voluntary Second Confession.
   (c) Limiting Rules.
      (1) §58 Standing To Challenge Admission of Third Party’s Statement.
      (2) §59 Voluntary False Confession.
      (3) Confession of Codefendant.
         (aa) §60 In General.
         (bb) §61 Editing of Confession.
         (cc) §62 Interlocking Confessions.
         (dd) §63 Improper Substantive Use Against Defendant.
      (d) §64 Confession of Accomplice Offered for Nonhearsay Purpose.
2. Involuntary Confessions.
   (a) §65 Physical Abuse or Threat of Abuse.
(b) Other Threats or Inducements.
   (1) [§66] General Principle and Distinction.
   (2) [§67] Confessions Inadmissible.
   (3) [§68] Confessions Admissible.
(c) [§69] Psychological Coercion.
(d) Fraud.
   (1) [§70] Confessions Admissible.
   (2) [§71] Confessions Inadmissible.
(e) Prolonged Questioning.
   (1) [§72] Questioning Without Coercion.
   (2) [§73] Questioning as Coercion.
(f) Illegal Detention.
   (1) [§74] In Federal Trials.
   (2) [§75] In State Trials.
(g) [§76] Defendant Kept Incommunicado.
(h) Failure To Advise of Miranda Rights.
   (1) [§77] In General.
   (2) [§78] Interrogation After Right to Silence Is Invoked.
   (3) [§79] Interrogation After Right to Counsel Is Invoked.
   (4) Statements Admissible.
   (a) [§82] Constitutional Requirements.
   (b) [§83] Former California Practice.
   (c) [§84] Final Determination by Judge.
   (d) [§85] Hearing Without Jury Present.
   (e) [§86] Evidence and Ruling.
   (f) [§87] Standard of Proof.
   (g) [§88] Review by California Courts.
   (h) [§89] Review by U.S. Supreme Court.
4. [§90] Harmless or Reversible Error.

B. Admission of Party.
1. In General.
   (a) [§91] Nature and Theory.
   (b) [§92] Affirmative Evidence.
   (c) [§93] Classifications and Distinctions.
   (d) [§94] Declarant’s Interest Is Immaterial.
   (e) [§95] Personal Knowledge Is Not Required.
   (f) [§96] Opinion Rule Is Not Applicable.
   (g) [§97] Statement Containing Additional Matters.
   (a) Pleadings in Civil Cases.
      (1) [§98] Same Case.
      (2) [§99] Prior Case.
(b) [§100] Guilty Plea in Criminal Case.
(c) Stipulations and Other Attorneys’ Admissions.
   (1) [§101] Judicial Admissions.
   (2) [§102] Evidentiary Admissions.

3. Adoptive Admissions in Civil Cases.
   (a) [§103] Nature of Admission.
   (b) Adoption by Conduct.
      (1) [§104] In General.
      (2) [§105] Silence or Evasive Response in Negligence Action.
      (3) [§106] Ignoring Written Communications.

4. Other Admissions by Conduct.
   (a) Flight, Resistance, or Escape of Accused.
      (1) [§107] In General.
      (2) [§108] Flight.
      (3) [§109] Instruction Where Fleeing Person’s Identity Is in Issue.
      (4) [§110] Attempted Escape From Custody.
   (b) [§111] False Excuse or Alibi.
   (c) Attempt To Corrupt Witness or Suppress Evidence.
      (1) [§112] In General.
      (2) [§113] Threats.
      (3) [§114] Attempt by Unauthorized Person.
   (d) Employer’s Precautionary Rules.
      (1) [§115] Operating Rules of Carrier.
      (2) [§116] Safety Rules.
   (e) [§118] Contradictions in Testimony.
   (f) [§119] Miscellaneous Examples.

5. Vicarious Admissions.
   (a) Persons Authorized.
      (1) [§120] Theory and Test of Admissibility.
      (2) [§121] Independent Proof of Authority.
      (3) [§122] Scope of Authority.
      (4) [§123] Statement Admitting Tort Liability.
      (6) [§125] Other Statements.
      (7) [§126] Interpreters.
      (8) [§127] Distinctions.
   (b) Declarant Whose Liability Is in Issue.
      (2) [§129] Exception for Employer’s Tort Liability.
   (c) Declarant Whose Right or Title Is in Issue.
      (1) [§130] Nature of Rule.
      (2) [§131] Time of Statements.
   (d) [§132] Declarant in Action for Injury or Death.
   (e) Coconspirators.
      (1) [§133] General Rule.
(2) [§134] Independent Proof of Conspiracy.
(3) [§135] Statement Made During Conspiracy.
(4) [§136] Statement Made To Further Objective.

   (a) Involuntary Admissions.
      (1) [§137] Inadmissible as Evidence or Impeachment.
      (2) [§138] Illustrations.
   (b) Ineffective or Withdrawn Plea.
      (1) [§139] Penal Code and Case Law.
   (c) Silence or Equivocal Reply to Charge of Crime.
      (1) [§141] Former Law.
      (2) [§142] Effect of Miranda and Griffin Rules.
   (d) [§143] Admissions of Codefendant.

C. Declarations Against Interest.
   2. Conditions of Admissibility.
      (a) [§145] Against Interest.
      (b) [§146] Declarant Unavailable.
      (c) [§147] Trustworthiness and Knowledge.
   3. Illustrations.
      (a) [§148] Declarations Against Pecuniary Interest.
      (b) [§149] Declarations Against Proprietary Interest.
      (c) Declaration Involving Criminal Liability.
         (1) [§150] Modern Rule of Admissibility.
         (2) [§151] Preliminary Fact Determination.
         (3) [§152] Distinctions.
      (d) [§153] Declaration Against Social Interest.
      (e) [§154] Other Declarations.


E. Prior Statements of Witnesses.
   1. Prior Inconsistent and Consistent Statements.
      (a) [§156] Former Law and Code Changes.
      (b) Prior Inconsistent Statements.
         (1) [§157] In General.
         (2) [§158] Rule in Criminal Cases.
         (3) [§159] Absent Witness.
         (4) [§160] Forgetful or Amnesiac Witness.
         (5) [§161] Uncooperative Witness.
      (c) [§162] Prior Consistent Statements.
   2. [§163] Past Recollection Recorded.
      (a) [§164] Independent Evidence.
      (b) [§165] Conditions of Admissibility.
      (c) [§166] Methods of Identification.
      (d) [§167] Sufficiency and Weight.
4. Complaint of Victim in Sex Case.
   (a) §168 In General.
   (b) §169 Freshness Requirement Abandoned.
   (c) §170 Inadmissibility of Details.
   (d) §171 Testimony by Alleged Victim.

F. §172 Statement of Victim of Child Abuse or Neglect.

G. §173 Child Dependency Hearsay Exception.

H. Spontaneous Statements.
   1. Modern Development of Doctrine.
      (a) §174 Theory of Admissibility.
      (b) §175 Evidence Code and Federal Rules.
      (c) §176 Relation to Other Exceptions.
      (d) §177 Effect of Other Rules.
   2. §178 Statement Related to Act, Condition, or Event.
      (a) §179 Statement in Response to Questioning.
      (b) §180 Importance of Time Element.
      (c) §181 Statement Immediately After Event.
      (d) Statement Some Time Afterward.
         (1) §182 Statements Held Admissible.
         (2) §183 Statements Held Inadmissible.

I. Contemporaneous Explanatory Statement (Verbal Act).
   1. §184 Theory of Admissibility.
   2. §185 Illustrations: Statements Accompanying Acts.
   3. §186 Subsequent Statements Are Inadmissible.

J. Dying Declarations.
   1. §187 In General.
   2. §188 Evidence Code and Federal Rules.
   3. §189 Instructions to Jury.
      (a) §190 Relation to Cause of Death.
      (b) Hope of Life Abandoned.
         (1) §191 Test.
         (2) §192 Foundation.
         (3) §193 Where Victim Chooses To Die.
   5. §194 Other Applicable Rules.

K. Statements of Mental or Physical State.
   1. §195 In General.
   2. Physical Condition.
      (a) §196 Declarant’s Then Existing Condition.
      (b) §197 Declarant’s Previously Existing Condition.
      (c) §198 Diagnosis or Treatment of Child Abuse.
   3. Mental State.
      (a) General Principles.
         (1) §199 Nonhearsay and Admissible Hearsay.
         (2) Declarant’s Then Existing State.
(aa) [§200] Present Mental State in Issue.
(bb) [§201] Continuing Mental State.
(cc) [§202] Mental State Not in Issue.
(3) [§203] Declarant’s Previously Existing State.
(4) [§204] Statement of Memory or Belief Is Inadmissible.

(b) Illustrations: Belief, Knowledge, or Emotion.
(1) [§205] Belief.
(2) [§206] Knowledge.
(3) Affection or Dislike.
   (aa) [§207] Husband and Wife.
   (bb) [§208] Testator.
   (cc) [§209] Victim.
(4) Victim’s Fear.
   (aa) [§210] Admissibility.
   (bb) [§211] Former Limitations Abolished.
   (cc) [§212] Adequacy of Limiting Instructions.

(c) Illustrations: Intent.
(1) [§213] Declarations of Grantor or Donor.
(2) [§214] Self-Serving Declarations of Defendant.
(3) [§215] Other Declarations.

(d) Intention as Evidence of Future Act.
(2) [§217] Intention To Commit Suicide.
(3) [§218] Intention To Go to or Leave Place.
(4) [§219] Intention To Go With Person.
(5) [§220] Threats of Accused or Victim.

L. [§221] Statements Concerning Physical Abuse.

M. Statements Concerning Wills and Trusts.
   1. [§222] In General.
   2. [§223] Declaration on Making or Revocation.
   3. [§224] Declaration on Kind of Will or No Will.

N. [§226] Decedent’s Statement in Action Against Estate.

O. Business Records.
   1. In General.
      (a) [§227] Common Law.
      (b) [§228] Uniform Act, Evidence Code, and Federal Rules.
   2. [§229] Business, Profession, or Other Activity.
      (a) [§230] Any Kind of Record.
      (b) [§231] Computer Records.
      (c) [§232] Special Reports.
      (d) [§233] Hospital Records.
      (e) [§234] Accident Reports Prepared for Litigation.
      (f) [§235] Absence of Business Entry.
      (g) [§236] Miscellaneous Inadmissible Evidence.
5. Sources of Information and Method of Preparation.
   (a) [§238] In General.
   (b) [§239] Hospital Records.
   (c) [§240] Police and Other Accident Reports.
   (d) [§241] Report of Test.
   (e) [§242] Other Records and Reports.
   (a) [§243] Custodian or Other Qualified Witness.
   (b) [§244] Laying the Foundation.

P. Official Records and Writings.
1. [§245] In General.
   (a) [§246] What Constitutes Official Record.
   (b) [§247] Conditions of Admissibility.
   (c) [§248] Relation to Presumption of Official Duty.
   (d) [§249] Public Employee Record Containing Other Employee’s Observations.
   (e) [§250] Inadmissible Reports and Statements.
   (a) [§251] Admissible Public Records.
   (b) [§252] Knowledge and Opinion Rule.

Q. Former Testimony.
1. In General.
   (a) [§256] Nature and Theory of Exception.
   (b) [§257] Former Law.
   (c) [§258] Evidence Code and Federal Rules.
2. Former Proceeding.
   (a) [§259] Prior Civil Proceeding.
   (b) Prior Criminal Proceeding.
      (1) [§260] Prior Criminal Trial.
      (2) [§261] Preliminary Examination.
      (3) [§262] Testimony of Minor Victim.
   (c) [§263] Deposition in Civil or Criminal Case.
   (d) [§264] Administrative or Arbitration Proceeding.
3. Parties.
   (a) Evidence Against Former Party.
      (1) [§265] In General.
      (2) [§266] Evidence Offered Against Opponent.
   (b) [§267] Evidence Against Person Not Former Party.
   (a) [§268] In General.
   (b) [§269] Videotape of Preliminary Examination.
5. [§270] Objections.

R. Judgments.

   (a) [§271] Traditional Rule of Exclusion.
   (b) [§272] Evidence Code and Federal Rules.
   (c) [§273] Scope of Statutory Rule.
2. [§274] Judgment Against Person Entitled to Indemnity.

S. Family History.

1. In General.
   (a) [§276] Necessity of Hearsay.
   (b) [§277] Evidence Code and Federal Rules.
   (c) [§278] Facts of Family History.
2. Declarations.
   (a) [§279] Declarant’s Own Family History.
   (b) [§280] Declarant Related to Family.
   (c) [§281] Declarant Intimately Associated With Family.
   (d) [§282] Circumstances Indicating Trustworthiness.
3. Admissible Evidence.
   (a) [§283] Entries in Family Records.
   (b) [§284] Reputation in Family.
   (c) [§285] Community Reputation.
   (d) [§286] Church Records.
   (e) [§287] Marriage, Baptismal, and Similar Certificates.

T. Reputation.

1. [§288] Community History.
2. [§289] Public Interest in Property.
3. [§290] Boundary or Custom Affecting Land.


V. [§293] Recitals in Dispositive Instruments.

W. [§294] Recitals in Ancient Writings.

X. [§295] Commercial and Similar Lists.

Y. Treatises, Maps, and Charts.

1. [§296] Noncontroversial Publications.