

330 IMPEACHMENT OF WITNESS: CHARACTER FOR TRUTHFULNESS

Evidence has been received regarding a witness's character for truthfulness. You may consider this evidence in weighing the testimony and determining credibility.

COMMENT

Wis JI-Criminal 330 was originally published in 1962 and revised in 1979, 1991, and 2001. This revision was approved by the Committee in June 2018; it added to the Comment.

The admissibility of evidence of a witness' character for truthfulness or untruthfulness is dealt with by Wis. Stat. § 906.08. A defendant who testifies may introduce evidence of character for truthfulness in all cases. See Wis JI-Criminal 270 and comment. With other witnesses, no such evidence may be introduced until the witness' character for truthfulness has been attacked.

Section 906.08 was amended by order of the Wisconsin Supreme Court, effective January 1, 2018. See 2017 WI 92. The general rule in sub. (1) addressed by this instruction was not affected. A comprehensive Judicial Council Note explains the change and is published in the Wisconsin Statutes.

In Spencer v. State, 132 Wis. 509, 112 N.W. 462 (1907), the Wisconsin Supreme Court held that evidence that a witness' reputation for truth and veracity has not been discussed in the community may be considered as evidence of good reputation in that respect. The Committee felt that this rule goes primarily to the admissibility of the evidence and was not an essential part of this jury instruction.