

FINAL REPORT

Rule 601: Competency

REVISION OF COMMENT

As the Committee continues to scrutinize decisions that impact on Pa.R.E. 601, two decisions of the Supreme Court led the Committee to recommend revisions to the Comment to Pa.R.E. 601. Although not changing the text of the rule, these decisions are important interpretations of the rule. In *Commonwealth v. Delbridge*, 578 Pa. 641, 855 A.2d 27 (2003), the Supreme Court addressed the effect on a child's capacity to testify as a result of techniques that "taint" the child's memory and ability to testify truthfully. The issue of competency is decided outside the presence of the jury. *Commonwealth v. Washington*, 554 Pa. 559, 722 A.2d 643 (1998).