

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 5 of Title 14 of the District of Columbia Official Code to add a new evidentiary rule that would allow for the authentication of a record of a regularly conducted activity without the need for testimony.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Business Records Efficiency Act of 2022”.

Sec. 2. Chapter 5 of Title 14 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows: “§ 14-508. Introduction of records of a regularly conducted activity.”.

(b) A new section 14-508 is added to read as follows:

“§ 14-508. Introduction of records of a regularly conducted activity.

“(a) For the purposes of this section, the term:

“(1) “Certification” means a written declaration under oath subject to the penalty of perjury. A certification need not take the form of an affidavit.

“(2) “Qualified person” means a person who would be able to establish the authenticity of a record if called as a witness at trial.

“(3) “Records of a regularly conducted activity” means a record of an act, event, condition, opinion, or diagnosis, where:

“(A) The record was made at or near the time by, or from information transmitted by, someone with knowledge of the act, event, condition, opinion, or diagnosis;

“(B) The record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;

“(C) Making the record was a regular practice of that activity; and

“(D) The opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.

“(b) The original or copy of a domestic record of a regularly conducted activity, as shown by a certification of the custodian or another qualified person, shall be deemed authentic without further testimony as evidence in any judicial proceeding or administrative hearing.

ENROLLED ORIGINAL

“(c) Before the judicial proceeding or administrative hearing, the proponent shall give an adverse party reasonable written notice of the intent to offer the record of a regularly conducted activity and shall make the record of a regularly conducted activity and certification available for inspection.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia