

2017 Regular Session

HOUSE BILL NO. 244

BY REPRESENTATIVE HILFERTY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EVIDENCE: Allows certain business records to be self-authenticated

1 AN ACT

2 To enact Code of Evidence Article 902(11), relative to the admissibility of business records;
3 to provide relative to the self-authentication of business records; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Evidence Article 902(11) is hereby enacted to read as follows:

7 Art. 902. Self-authentication

8 Extrinsic evidence of authenticity as a condition precedent to admissibility
9 is not required with respect to the following:

10 * * *

11 (11) Certified Records of a Regularly Conducted Business Activity. The
12 original or a copy of a record of a regularly conducted business activity that meets
13 the requirements of Article 803(6) as shown by a certification of the custodian or
14 another qualified person that complies with Louisiana law, including R.S. 13:3733
15 through 3733.2, or a rule prescribed by the Louisiana Supreme Court. Before the
16 trial or hearing, the proponent shall give an adverse party reasonable written notice
17 of the intent to offer the record and shall make the record and certification available
18 for inspection so that the party has a fair opportunity to challenge it.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 244 Engrossed

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Hilferty

Abstract: Adds an additional exception in the Code of Evidence to the requirement of establishing authenticity of a business record which follows Federal Rule of Evidence 902(11).

Present law (C.E. Art. 902) provides, in part, that proof of authenticity as a condition precedent to admissibility is not required with respect to domestic certain public documents, both under seal and not under seal, certain foreign public documents, Acts of Congress and the Louisiana Legislature, official publications, newspapers and periodicals, trade inscriptions, authentic and acknowledged acts, commercial paper, and certain labor reports from the Louisiana Workforce Commission, or from any state or federal reporting agency.

Present law (R.S. 13:3733) provides the business records reproduced by any electronic or photographic process meeting certain criteria shall be deemed an original or authentic copy of the original record and shall be deemed authentic evidence for all purposes, satisfying the requirements of C.E. Arts. 901 and 902.

Present law (C.E. Art. 803(6)) provides a hearsay exception for records of regularly conducted business activities.

Proposed law (C.E. Art. 902(11)) adds an additional exception in the Code of Evidence to the requirement of establishing authenticity of a business record which follows present law Federal Rule of Evidence 902(11).

(Adds C.E. Art. 902(11))