

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 244****2017 Regular Session****Hilferty**

EVIDENCE: Allows certain business records to be self-authenticated

**Synopsis of Senate Amendments**

1. Changes the timing of the notice of intent to offer the record from reasonable written notice before trial to written notice not later than 30 days before trial.
2. Adds the requirement that all parties retain the right to call or question the custodian with respect to the records.

**Digest of Bill as Finally Passed by Senate**

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 that 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.

Proposed law further provides that the parties shall retain the right to call or question the custodian or other person having knowledge of the authenticity and requires the proponent to give an adverse party 30 days written notice of the intent to offer the record.

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