

CONFERENCE COMMITTEE REPORT

HB 244

2017 Regular Session

Hilferty

June 8, 2017

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 244 by Representative Hilferty, recommend the following concerning the Reengrossed bill:

- 1. That Senate Floor Amendment No. 1 by Senator Claitor (#2727) be rejected.
- 2. That the set of Senate Floor Amendments by Senator Milkovich (#2761) be rejected.
- 4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, at the end of line 2, change "records;" to "records in criminal cases;"

AMENDMENT NO. 2

On page 1, line 11, after "activity" delete the remainder of the line and insert "in criminal cases. In criminal cases, the"

Respectfully submitted,

Representative Stephanie Hilferty

Senator Rick Ward, III

Representative Ray Garofalo

Senator Daniel "Danny" Martiny

Representative Tanner Magee

Senator John Milkovich

 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)]

CONFERENCE COMMITTEE REPORT DIGEST
HB 244
2017 Regular Session
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Keyword and oneliner of the instrument as it left the House

EVIDENCE: Allows certain business records to be self-authenticated

Report rejects Senate amendments which would have:

1. Changed 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. Added the requirement that all parties retain the right to call or question the custodian with respect to the records.

Report amends the bill to:

1. Limit applicability of proposed law to criminal cases only.

Digest of the bill as proposed by the Conference Committee

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 certain domestic public documents, both under seal and not under seal, certain foreign public documents, Acts of Congress and the La. Legislature, official publications, newspapers and periodicals, trade inscriptions, authentic and acknowledged acts, commercial paper, and certain labor reports from the La. 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 in criminal cases only, but subject to present law and rules prescribed by the La. Supreme Court.

Proposed law requires the proponent to provide reasonable written notice of the intent to offer the record.

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