

May 17, 2006

H 2074. REVISE AUTHENTICATION RULES/EVIDENCE. Filed 5/17/06. *TO CONFORM THE AUTHENTICATION RULES OF THE NORTH CAROLINA RULES OF EVIDENCE TO THE FEDERAL RULES OF EVIDENCE.* Adds new subsections (11) and (12) to Rule 902 of the NC Rules of Evidence to provide that extrinsic evidence of authenticity is not required to admit into evidence certified domestic or foreign records of a regularly conducted activity as long as the custodian or other qualified person certifies that the record: (1) was made at or near the time of the matters or is from information transmitted by a person a person with knowledge of the matters, (2) was kept in the course of a regularly conducted activity, and (3) was made by the regularly conducted activity as a regular practice. Establishes the form of the declaration and requires that written notice be provided to all adverse parties prior to offering record into evidence. Amends Rule 803 (listing exceptions to the hearsay rule) to include domestic and foreign records submitted in accordance with new Rule 902(11) and (12) and to also clarify that if a statute permits certification of certain records, those records are also exempt under Rule 803. Appropriates \$20,000 from the General Fund to the Administrative Office of the Courts for 2006-07 to implement act. Effective for trials or hearings that commence on or after October 1, 2006.
Intro. by Moore. GS 8C, APPROP