COMMITTEE REPORT

January 28, 2015

**S. 177**

Introduced by Senators L. Martin, Hembree and Campsen

S. Printed 1/28/15--S.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 177) to amend the Code of Laws of South Carolina, 1976, by adding Section 19‑5‑520 so as to provide a procedure for the certification of domestic and foreign records, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 36-42 and inserting:

/ “(B) In a civil case, the original or a copy of a foreign record that is certified by the custodian or another qualified person and otherwise meets the requirements of subsection (A), modified as follows: the certification, rather than complying with a state statute or court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the jurisdiction where the certification is signed. The proponent also shall meet the notice requirements of subsection (A).” /

Renumber sections to conform.

Amend title to conform.

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill will provide a cost savings for the Attorney General’s (AG’s) office and various solicitor’s offices.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill provides a procedure for the certification of domestic and foreign records of regularly conducted activity, or business records, in accordance with Federal Rule 902(11) and (12).

This bill will provide a cost savings for the AG’s office and various solicitor’s offices that is difficult to calculate. The AG’s office has provided RFA staff with some examples of cost savings, but a complete analysis would require reviewing many records on a case by case basis.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 19‑5‑520 SO AS TO PROVIDE A PROCEDURE FOR THE CERTIFICATION OF DOMESTIC AND FOREIGN RECORDS OF REGULARLY CONDUCTED ACTIVITY, OR BUSINESS RECORDS, IN ACCORDANCE WITH FEDERAL RULE 902(11) AND (12).

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 9, Chapter 5, Title 19 of the 1976 Code is amended by adding:

“Section 19‑5‑520. In addition to those matters provided by Rule 902, South Carolina Rules of Evidence, extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(A) The original or a copy of a domestic record that meets the requirements of Rule 803(6), South Carolina Rules of Evidence, as shown by a certification of the custodian or another qualified person that complies with a state statute or a court rule. Before the trial or hearing, the proponent shall give an adverse party reasonable written notice of the intent to offer the record and shall make the record and certification available for inspection so that the party has a fair opportunity to challenge the record.

(B) In a civil case, the original or a copy of a foreign record that meets the requirements of subsection (A), modified as follows: the certification, rather than complying with a state statute or court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the jurisdiction where the certification is signed. The proponent also shall meet the notice requirements of subsection (A).”

SECTION 2. This act takes effect upon approval by the Governor.

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