

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 59th Legislature (2024)

4   HOUSE BILL 3684

By: Kannady

7                               AS INTRODUCED

8           An Act relating to civil procedure; amending 12 O.S.  
9           2021, Section 2902, which relates to self-  
10          authentication; modifying list of evidence that does  
11          not require extrinsic evidence of authenticity as a  
12          condition precedent to admissibility; and providing  
13          an effective date.

14   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15           SECTION 1.        AMENDATORY        12 O.S. 2021, Section 2902, is  
16   amended to read as follows:

17           Section 2902.   Extrinsic evidence of authenticity as a condition  
18   precedent to admissibility is not required with respect to the  
19   following:

20           1.   A document bearing a seal purporting to be that of the  
21   United States or of any state, district, commonwealth, territory or  
22   insular possession thereof, including the Panama Canal Zone, or the  
23   trust territory of the Pacific Islands, or of a political  
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1 subdivision, department, office or agency thereof, and a signature  
2 purporting to be an attestation or execution;

3 2. A document purporting to bear the signature in his official  
4 capacity of an officer or employee of any entity included in  
5 paragraph 1 of this section, having no seal, if a public officer  
6 having a seal and having official duties in the district or  
7 political subdivision of the officer or employee certifies under  
8 seal that the signer has the official capacity and that the  
9 signature is genuine;

10 3. A document purporting to be executed or attested in his  
11 official capacity by a person authorized by the laws of a foreign  
12 country to make the execution or attestation, and accompanied by a  
13 final certification as to the genuineness of the signature and  
14 official position:

15 a. of the executing or attesting person, or

16 b. of any foreign official whose certificate of  
17 genuineness of signature and official position relates  
18 to the execution or attestation or is in a chain of  
19 certificates of genuineness or signature and official  
20 position relating to the execution or attestation. A  
21 final certification may be made by a secretary of  
22 embassy or legation, consul general, consul, vice  
23 consul or consular agent of the United States, or a  
24 diplomatic or consular official of the foreign country

1 assigned or accredited to the United States. If  
2 reasonable opportunity has been given to all parties  
3 to investigate the authenticity and accuracy of  
4 official documents, the court may, for good cause  
5 shown, order that they be treated as presumptively  
6 authentic without final certification or permit them  
7 to be evidenced by an attested summary with or without  
8 final certification;

9 4. A copy of an official record or report or entry therein, or  
10 of a document authorized by law to be recorded or filed and actually  
11 recorded or filed in a public office, including data compilations in  
12 any form, certified as correct by the custodian or other person  
13 authorized to make the certification, by certificate complying with  
14 paragraph 1, 2 or 3 of this section or complying with any statute or  
15 by rules prescribed by the Supreme Court pursuant to statutory  
16 authority;

17 5. Books, pamphlets or other publications purporting to be  
18 issued by public authority;

19 6. Printed materials purporting to be newspapers or  
20 periodicals;

21 7. Inscriptions, signs, tags or labels purporting to have been  
22 affixed in the course of business and indicating ownership, control  
23 or origin;

1        8. Records accompanied by a certificate of acknowledgment under  
2 the hand and the seal of a notary public or other officer authorized  
3 by law to take acknowledgments;

4        9. Commercial paper, signatures thereon, and related records to  
5 the extent provided by general commercial law;

6        10. Any signature, record or other matter declared by act of  
7 the Legislature to be presumptively or prima facie genuine or  
8 authentic;

9        11. The original or a duplicate of a domestic record of acts,  
10 events, conditions, opinions, or diagnoses if:

11            a. the document is accompanied by a written declaration  
12                under oath of the custodian of the record, or other  
13                qualified individual that the record was made, at or  
14                near the time of the occurrence of the matters set  
15                forth by or from information transmitted by a person  
16                having knowledge of those matters; was kept in the  
17                course of the regularly conducted business activity;  
18                and was made pursuant to the regularly conducted  
19                activity,

20            b. the party intending to offer the record in evidence  
21                gives notice of that intention to all adverse parties  
22                and makes the record available for inspection  
23                sufficiently in advance of its offer to provide the  
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1 adverse parties with a fair opportunity to challenge  
2 the record, and

- 3 c. notice is given to the proponent, sufficiently in  
4 advance of the offer to provide the proponent with a  
5 fair opportunity to meet the objection or obtain the  
6 testimony of a foundation witness, raising a genuine  
7 question as to the trustworthiness or authenticity of  
8 the record; ~~and~~

9 12. The original or a duplicate of a record from a foreign  
10 country of acts, events, conditions, opinions, or diagnoses if:

- 11 a. the document is accompanied by a written declaration  
12 under oath of the custodian of the record, or other  
13 qualified individual that the record was made, at or  
14 near the time of the occurrence of the matters set  
15 forth by or from information transmitted by a person  
16 having knowledge of those matters; was kept in the  
17 course of a regularly conducted business activity; and  
18 was made pursuant to the regularly conducted activity,  
19 b. the party intending to offer the record in evidence  
20 gives notice of that intention to all adverse parties  
21 and makes the record available for inspection  
22 sufficiently in advance of its offer to provide the  
23 adverse parties with a fair opportunity to challenge  
24 the record, and

1 c. notice is given to the proponent, sufficiently in  
2 advance of the offer to provide the proponent with a  
3 fair opportunity to meet the objection or obtain the  
4 testimony of a foundation witness, raising a genuine  
5 question as to the trustworthiness or authenticity of  
6 the record;

7 13. Records generated by an electronic process or system that  
8 produces an accurate result, as shown by a certification of a  
9 qualified person that complies with the certification requirements  
10 of paragraph 11 or 12 of this section. The proponent shall also  
11 meet the notice requirements of paragraph 11 of this section; and

12 14. Data copied from an electronic device, storage medium, or  
13 file, if authenticated by a process of digital identification, as  
14 shown by a certification of a qualified person that complies with  
15 the certification requirements of paragraph 11 or 12 of this  
16 section. This proponent shall also meet the notice requirements of  
17 paragraph 11 of this section.

18 SECTION 2. This act shall become effective November 1, 2024.

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
21 02/12/2024 - DO PASS.  
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