

HOUSE BILL REPORT

SB 5004

*As Reported By House Committee on:
Judiciary*

Title: An act relating to public records as evidence.

Brief Description: Permitting certified public records from other states to be admissible evidence.

Sponsor(s): Senators L. Kreidler and Nelson.

Brief History:

Reported by House Committee on:
Judiciary, April 2, 1991, DP.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: Statutes and court rules govern the admissibility in evidence of authenticated and certified public records.

One statute provides that authenticated court records and proceedings of any court in the United States, or any state or territory are admissible in evidence in all cases in this state.

Another statute provides that certified copies of all records and documents on record or on file in the offices of the departments of the United States and of this state are admissible in evidence in the courts in this state. This statute does not provide that other states' or territories' certified records and documents on record or on file may be admissible in evidence in this state. Evidence Rule, ER 803(8), *Public Records and Reports*, is reserved and refers to this statute for the law on admissibility of public records into evidence.

Civil Rule 44 and Evidence Rules 901, 902, and 1005 govern certification and authentication of public records.

Summary of Bill: The statute that governs the admissibility of records in evidence in court is expanded to include certified records from other states and territories of the United States. Certified records from other states and territories of the United States are admissible in evidence in this state.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Out-of-state residents' traffic records are inadmissible in evidence in this state if they are not court records. Out-of-state witnesses cannot be subpoenaed to testify about the traffic record.

Testimony Against: None.

Witnesses: George Steele, Thurston County Prosecutor's Office (pro).