

## 2021 Kansas Statutes

**60-465. Authentication of public documents; self-authenticating evidence.** (a) Public documents. A writing purporting to be a copy of an official record or of an entry therein, meets the requirements of authentication if the judge finds that the writing purports to be published by authority of the nation, state or subdivision thereof, in which the record is kept or evidence has been introduced sufficient to warrant a finding that the writing is a correct copy of the record or entry. Extrinsic evidence of authenticity as a condition precedent to admissibility is not required if:

- (1) The office in which the record is kept is within this state and the writing is attested as a correct copy of the record or entry by a person purporting to be an officer, or a deputy of an officer, having the legal custody of the record;
- (2) the office in which the record is kept is within this state and the record is attested by a person purporting to be an official custodian of the records of the Kansas bureau of investigation as a correct copy of criminal history record information or electronically stored information, as defined in K.S.A. 22-4701, and amendments thereto, accessed through the criminal justice information system central repository maintained by the Kansas bureau of investigation pursuant to K.S.A. 22-4705, and amendments thereto;
- (3) the office in which the record is kept is within the United States or territory or insular possession subject to the dominion of the United States and the writing is attested to as required in paragraph (1) and authenticated by seal of the office having custody or, if that office has no seal, by a public officer having a seal and having official duties in the district or political subdivision in which the records are kept who certifies under seal that such officer has custody; or
- (4) the office in which the record is kept is in a foreign state or country, the writing is attested as required in paragraph (1) and is accompanied by a certificate that such officer has the custody of the record which certificate may be made by a secretary of an embassy or legation, consul general, consul, vice-consul or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of that office.

(b) Self-authenticating evidence. The following items of evidence are self-authenticating and require no extrinsic evidence of authenticity in order to be admitted:

- (1) Official publications. A book, pamphlet or other publication purporting to be issued by a public authority.
- (2) Newspapers and periodicals. Printed material purporting to be a newspaper or periodical.
- (3) Trade inscriptions and the like. An inscription, sign, tag or label purporting to have been affixed in the course of business and indicating origin, ownership or control.
- (4) Acknowledged documents. A document accompanied by a certificate of acknowledgment that is lawfully executed by a notary public or another officer who is authorized to take acknowledgments.
- (5) Commercial paper and related documents. Commercial paper, a signature on it, and related documents, to the extent allowed by general commercial law.
- (6) Presumptions under law. A signature, document or anything else that a state or federal statute declares to be presumptively or prima facie genuine or authentic.
- (7) Certified domestic records of a regularly conducted activity. The original or a copy of a domestic record that meets the requirements of K.S.A. 60-460(m), and amendments thereto, as shown by a certification of the custodian or another qualified person, in an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, or a rule prescribed by the

supreme court. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record, and must make the record and certification available for inspection, so that the party has a fair opportunity to challenge them.

(8) Certified foreign records of a regularly conducted activity. The original or a copy of a foreign record that meets the requirements of paragraph (7), modified as follows: The certification, rather than complying with a statute or supreme court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of paragraph (7).

(9) Certified records generated by an electronic process or system. A record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of paragraph (7) or (8). The proponent must also meet the notice requirements of paragraph (7).

(10) Certified data copied from an electronic device, storage medium or file. Data copied from an electronic device, storage medium or file, if authenticated by a process of digital identification, as shown by a certification of a qualified person that complies with the certification requirements of paragraph (7) or (8). The proponent must also meet the notice requirements of paragraph (7).

**History:** L. 1963, ch. 303, 60-465; L. 1998, ch. 103, § 1; L. 2016, ch. 31, § 4; L. 2021, ch. 65, § 3; July 1.