

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 851

Adding Evidence Rule 902(11)
concerning Authentication of
Business Records

IT IS ORDERED:

A new paragraph is added to Evidence Rule 902 to provide:

(11) Certified Records of Regularly Conducted Activity. The original or a duplicate of a record of regularly conducted activity, within the scope of Rule 803(6), which the custodian thereof or another qualified person certifies under penalty of perjury (i) was made at or near the time of the occurrence of the matter set forth, by (or from information transmitted by) a person with knowledge of those matters, (ii) is kept in the course of regularly conducted activity and (iii) was made by the regularly conducted activity as a regular practice, unless the source of ~~the~~ information or the method of ~~of~~ circumstances or ~~of~~ preparation indicate lack of trustworthiness. A party intending to rely on this paragraph must serve on other parties a notice of this intent and make available for copying relevant documents at least 20 days before the documents are to be introduced at a hearing unless the court shortens this time for good cause shown. The word "certifies" as used in this subsection means with respect to a domestic record, a written declaration oath subject to the penalty of perjury and, with respect to a foreign record, a written declaration signed in a country which, if falsely made, would subject the maker to criminal penalty under the laws of that country. The certificate relating to a foreign record must be accompanied by a final certificate as to the genuineness of the signature and official position (i) of the person executing the certificate and

(ii) of any foreign official who certifies the genuineness of signature and official position of the executing person or is in a chain of certificates of genuineness of signature and official position of the executing person. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or credited to the United States.

DATED: September 11, 1987

EFFECTIVE DATE: January 15, 1988


Chief Justice Rabinowitz


Justice Burke


Justice Matthews


Justice Compton


Justice Moore