

Assembly Bill No. 883

CHAPTER 65

An act to add Section 1550.1 to the Evidence Code, and to add Section 11106.3 to the Penal Code, relating to records.

[Approved by Governor June 23, 2004. Filed with
Secretary of State June 24, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 883, Runner. Records: admissible hearsay.

Existing law permits the Department of Justice and criminal justice agencies to use any system of microphotography, optical disk, or reproduction by other techniques that do not permit additions, deletions, or changes to the original document to record some or all instruments, papers, photographs, and notices that are required or permitted by law to be recorded or filed.

This bill would permit fingerprints to be stored or created in an electronic format that does not permit additions, deletions, or changes to the original fingerprints so long as the storage medium complies with the minimum standards of quality approved by the National Institute of Standards and Technology.

Existing law sets forth the rules governing the proof of the content of a writing in a civil or criminal action or proceeding. Under existing law, if made in the regular course of business, as specified, a nonerasable optical image reproduction of a writing may be introduced in court as proof of a writing, provided that additions, deletions, or changes to the original document are not permitted by that technology. Recent changes in this law expand that category of admissible evidence to include any other reproduction of a public record by a trusted system, as specified, contingent on the adoption of specified standards regarding the storage of documents in electronic media by the Secretary of State.

This bill would provide that reproductions of files, records, writings, photographs, fingerprints, or other instruments in the official custody of a criminal justice agency that were microphotographed or otherwise reproduced in a manner that conforms with the provisions referred to above that authorize record maintenance procedures for the Department of Justice and criminal justice agencies shall be admissible to the same extent and under the same circumstances as the original file, record, writing or other instrument would be admissible.

This bill would state that its provisions are declarative of existing law.

The people of the State of California do enact as follows:

SECTION 1. Section 1550.1 is added to the Evidence Code, to read:

1550.1. Reproductions of files, records, writings, photographs, fingerprints or other instruments in the official custody of a criminal justice agency that were microphotographed or otherwise reproduced in a manner that conforms with the provisions of Section 11106.1, 11106.2, or 11106.3 of the Penal Code shall be admissible to the same extent and under the same circumstances as the original file, record, writing or other instrument would be admissible.

SEC. 2. Section 11106.3 is added to the Penal Code, to read:

11106.3. Fingerprints may be stored or created in an electronic format that does not permit additions, deletions or changes to the original fingerprints so long as the storage medium complies with the minimum standards of quality approved by the National Institute of Standards and Technology.

SEC. 3. Sections 1 and 2 of this bill are declarative of existing law.

