

Assembly Bill No. 1867

CHAPTER 126

An act to amend Section 452.5 of the Evidence Code, relating to evidence.

[Approved by Governor August 17, 2016. Filed with
Secretary of State August 17, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1867, Steinorth. Evidence: judicial notice: official records of conviction.

Existing law authorizes judicial notice to be taken of certain matters, including the official acts of state and federal legislative, executive, and judicial departments and the records of any state or federal court. Existing law provides that a certified official record of conviction, or an electronically digitized copy of that record, is admissible to prove, among other things, the act, condition, or event recorded by the record. Existing law defines "electronically digitized copy" as a copy (1) made by scanning, photographing, or otherwise exactly reproducing a document, (2) stored or maintained in a digitized format, and (3) bearing an electronic signature or watermark unique to the entity responsible for certifying the document.

This bill would additionally include as an "electronically digitized copy" a copy that, rather than bearing an electronic signature or watermark unique to the entity certifying the document, was transmitted by a superior court clerk in a manner showing that the copy was prepared and transmitted by that superior court clerk.

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

SECTION 1. Section 452.5 of the Evidence Code is amended to read:

452.5. (a) The official acts and records specified in subdivisions (c) and (d) of Section 452 include any computer-generated official court records, as specified by the Judicial Council, that relate to criminal convictions, when the record is certified by a clerk of the superior court pursuant to Section 69844.5 of the Government Code at the time of computer entry.

(b) (1) An official record of conviction certified in accordance with subdivision (a) of Section 1530, or an electronically digitized copy thereof, is admissible under Section 1280 to prove the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of a prison term, or other act, condition, or event recorded by the record.

(2) For purposes of this subdivision, "electronically digitized copy" means a copy that is made by scanning, photographing, or otherwise exactly

reproducing a document, is stored or maintained in a digitized format, and meets either of the following requirements:

(A) The copy bears an electronic signature or watermark unique to the entity responsible for certifying the document.

(B) The document that is copied is an official record of conviction, certified in accordance with subdivision (a) of Section 1530, that is transmitted by the clerk of the superior court in a manner showing that the copy was prepared and transmitted by that clerk of the superior court. A seal, signature, or other indicia of the court shall constitute adequate showing.