

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

SENATE BILL NO. 614

Originating in the Committee
(By Senator *on the Judiciary*)



PASSED March 9, 1990

In Effect 90 days from Passage

ENROLLED
Senate Bill No. 614

(ORIGINATING IN THE COMMITTEE ON THE JUDICIARY)

[Passed March 9, 1990; in effect ninety days from passage.]

AN ACT to amend article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve, relating to evidence and witnesses; and certain reproductions deemed duplicates.

Be it enacted by the Legislature of West Virginia:

That article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted by adding thereto a new section, designated section twelve, to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§57-5-12. Certain documents deemed duplicates.

1 A reproduction of a document acquired from the
2 employment of a system of microphotography, optical
3 discs or computerized techniques which system does
4 not permit additions, deletions or changes to the
5 record of the original document contained within the
6 system shall be deemed to be a duplicate for purposes
7 of admission into evidence in the courts of this state.

8 A reproduction deemed a duplicate pursuant to the
9 provisions of this section shall be authenticated by
10 competent testimony or by an attestation which shall
11 recite the type of recording system employed, that
12 such system does not permit additions, deletions or
13 changes to the record and that the attestant has actual
14 knowledge of the aforementioned facts.

15 The provisions of this section shall be construed to
16 provide an additional method of qualifying original
17 writings or recordings and duplicates thereof as
18 admissible in evidence, and shall not replace or
19 derogate any other methods set forth elsewhere in this
20 code or provided for in the West Virginia rules of
21 evidence as adopted by the supreme court of appeals.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parks
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harrell C. Adams
.....
Clerk of the Senate

Donald L. Hoop
.....
Clerk of the House of Delegates

Kell Bennett
.....
President of the Senate

Ed C. Barber
.....
Speaker House of Delegates

The within *is approved* this the *20th*
day of *March*, 1990.

Walter G. Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/14/90

Time 2:44 PM

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE