

New Jersey Rules of Evidence

Article IX - Authentication and Identification

N.J.R.E. 901. Requirement of Authentication or Identification

The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter is what its proponent claims.

NOTE: Adopted September 15, 1992 to be effective July 1, 1993.

N.J.R.E. 902. Self-Authentication

Extrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following:

(a) *New Jersey public documents.* --A document purporting to bear a signature affixed in an official capacity by an officer or employee of the State of New Jersey or of a political subdivision, department, office, or agency thereof.

(b) *Other domestic public documents.* --A document (1) bearing a seal purporting to be that of the United States, or of any state, district, commonwealth, territory, or possession thereof, or of a political subdivision, department, office, or agency thereof, and a signature purporting to be an attestation or execution, or (2) purporting to bear a signature affixed in an official capacity by an officer or employee of such an entity, having no seal, if a public officer having a seal and having official duties in the district or political subdivision of the officer or employee certifies under seal that the signer had the official capacity and that the signature is genuine.

(c) *Foreign public documents.* --A document purporting to be executed or attested in an official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, provided that either an apostille is affixed to the document certifying its genuineness pursuant to international agreement to which the United States is a party or the document is accompanied by a final certification as to the genuineness of the signature and official position (1) of the executing or attesting person, or (2) of any foreign official whose certificate of genuineness of signature and official position relates to the execution or attestation or is in a chain of certificates of genuineness of signature and official position relating to the execution or attestation. 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 accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity

and accuracy of official documents, the court may, for good cause shown, order that they be treated as presumptively authentic without final certification or permit them to be evidenced by an attested summary with or without final certification.

(d) *Certified copies of public records.* --A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with paragraph (a), (b), or (c) of this rule or complying with any law or rule of court.

(e) *Official publications.* --Books, pamphlets, or other publications purporting to be issued by public authority.

(f) *Newspapers and periodicals.* --Printed materials purporting to be newspapers or periodicals.

(g) *Trade inscriptions and the like.* --Inscriptions, signs, tags, or labels purporting to have been affixed in the course of business and indicating ownership, control, or origin.

(h) *Acknowledged documents.* --Documents accompanied by a certificate of acknowledgment executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments.

(i) *Commercial paper and related documents.* --Commercial paper, signatures thereon, and documents relating thereto to the extent provided by applicable commercial law.

(j) *Presumption under statute.* --Any signature, document, or other matter declared by state or federal law to be presumptively or prima facie genuine or authentic.

(k) *Certificate of lack of record.* --A writing asserting the absence of an official record authenticated in the manner prescribed for public documents in paragraph (a), (b), or (c) of this rule.

NOTE: Adopted September 15, 1992 to be effective July 1, 1993.

N.J.R.E. 903. Testimony of Subscribing Witness Unnecessary

The testimony of a subscribing witness is not necessary to authenticate a writing unless required by the law of the jurisdiction whose law governs the validity of the writing.

NOTE: Adopted September 15, 1992 to be effective July 1, 1993.