

New Jersey Rules of Evidence

Article IX. Authentication and Identification

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

To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must present evidence sufficient to support a finding that the item is what its proponent claims.

NOTE: Adopted September 15, 1992 to be effective July 1, 1993; amended September 16, 2019 to be effective July 1, 2020.

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

The following items of evidence are self-authenticating and they require no extrinsic evidence of authenticity in order to be admitted:

(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. A book, pamphlet, or other publication purporting to be issued by public authority.

(f) Newspapers and Periodicals. Printed material purporting to be a newspaper or periodical.

(g) Trade Inscriptions and the Like. An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating ownership, control, or origin.

(h) Acknowledged Documents. A document 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, a signature on it, and documents relating thereto related 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; first paragraph amended, paragraphs (a), (e), (f), (g), (h), (i) captions and text amended, paragraphs (b), (c), (d), (j), (k) caption amended September 16, 2019 to be effective July 1, 2020.

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

A subscribing witness' testimony is necessary to authenticate a writing only if required by the law of the jurisdiction that governs its validity.

NOTE: Adopted September 15, 1992 to be effective July 1, 1993; amended September 16, 2019 to be effective July 1, 2020.