

1 **Rule 902. Evidence That Is Self-Authenticating**

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

4 **(1) Domestic Public Documents That Are Sealed and Signed.** A document
5 that bears:

6 **(A)** a seal purporting to be that of the United States; any state, district,
7 commonwealth, territory, or insular possession of the United States; the
8 former Panama Canal Zone; the Trust Territory of the Pacific Islands; a
9 political subdivision of any of these entities; or a department, agency, or
10 officer of any entity named above; and

11 **(B)** a signature purporting to be an execution or attestation.

12 **(2) Domestic Public Documents That Are Not Sealed But Are Signed and
13 Certified.** A document that bears no seal if:

14 **(A)** it bears the signature of an officer or employee of an entity named in
15 Rule 902(1)(A); and

16 **(B)** another public officer who has a seal and official duties within that same
17 entity certifies under seal — or its equivalent — that the signer has the
18 official capacity and that the signature is genuine.

19 **(3) Foreign Public Documents.** A document that purports to be signed or
20 attested by a person who is authorized by a foreign country's law to do so.
21 The document must be accompanied by a final certification that certifies the
22 genuineness of the signature and official position of the signer or attester —
23 or of any foreign official whose certificate of genuineness relates to the
24 signature or attestation or is in a chain of certificates of genuineness relating
25 to the signature or attestation. The certification may be made by a secretary of
26 a United States embassy or legation; by a consul general, vice consul, or
27 consular agent of the United States; or by a diplomatic or consular official of
28 the foreign country assigned or accredited to the United States. If all parties
29 have been given a reasonable opportunity to investigate the document's
30 authenticity and accuracy, the court may, for good cause, either:

- 31 **(A)** order that it be treated as presumptively authentic without final
32 certification; or
- 33 **(B)** allow it to be evidenced by an attested summary with or without final
34 certification.
- 35 **(4) Certified Copies of Public Records.** A copy of an official record — or a copy
36 of a document that was recorded or filed in a public office as authorized by
37 law — if the copy is certified as correct by:
- 38 **(A)** the custodian or another person authorized to make the certification; or
39 **(B)** a certificate that complies with Rule 902(1), (2), or (3), or any law of the
40 United States or of this state.
- 41 **(5) Official publications.** Books, pamphlet, or other publication purporting to be
42 issued by public authority.
- 43 **(6) Newspapers and Periodicals.** Printed material purporting to be a newspaper
44 or periodical.
- 45 **(7) Trade Inscriptions and the Like.** An inscription, sign, tag, or label purporting
46 to have been affixed in the course of business and indicating origin,
47 ownership, or control.
- 48 **(8) Acknowledged Documents.** A document accompanied by a certificate of
49 acknowledgment that is lawfully executed by a notary public or another officer
50 who is authorized to take acknowledgments.
- 51 **(9) Commercial Paper and Related Documents.** Commercial paper, a signature
52 on it, and related documents, to the extent allowed by general commercial
53 law.
- 54 **(10) Presumptions Under a Federal Statute.** A signature, document, or anything
55 else that a federal statute declares to be presumptively or prima facie genuine
56 or authentic.
- 57 **(11) Certified Domestic Records of a Regularly Conducted Activity.** The
58 original or a copy of a domestic record that meets the requirements of Rule
59 803(6)(A)-(C), as shown by a certification of the custodian or another qualified
60 person that must be signed in a manner that, if falsely made, would subject
61 the signer to criminal penalty under the laws where the certification was

62 signed. Before the trial or hearing, the proponent must give an adverse party
63 reasonable written notice of the intent to offer the record — and must make
64 the record and certification available for inspection — so that the party has a
65 fair opportunity to challenge them.

66 **(12) Certified Foreign Records of a Regularly Conducted Activity.** The original
67 or a copy of a foreign record that meets the requirements of Rule 803(6)(A)-
68 (C), as shown by a certification of the custodian or another qualified person
69 that must be signed in a manner that, if falsely made, would subject the signer
70 to criminal penalty under the laws where the certification was signed. Before
71 the trial or hearing, the proponent must give an adverse party reasonable
72 written notice of the intent to offer the record — and must make the record
73 and certification available for inspection — so that the party has a fair
74 opportunity to challenge them.

75 **(13) Certified Records Generated by an Electronic Process or System. A**
76 record generated by an electronic process or system that produces an
77 accurate result, as shown by a certification of a qualified person that must be
78 signed in a manner that, if falsely made, would subject the signer to criminal
79 penalty under the laws where the certification was signed. Before the trial or
80 hearing, the proponent must give an adverse party reasonable written notice
81 of the intent to offer the record—and must make the record and certification
82 available for inspection—so that the party has a fair opportunity to challenge
83 them.

84 **(14) Certified Data Copied From an Electronic Device, Storage Medium, or**
85 File. Data copied from an electronic device, storage medium, or file, if
86 authenticated by a process of digital identification, as shown by a certification
87 of a qualified person that must be signed in a manner that, if falsely made,
88 would subject the signer to criminal penalty under the laws where the
89 certification was signed. Before the trial or hearing, the proponent must give
90 an adverse party reasonable written notice of the intent to offer the data—and
91 must make the data and the certification available for inspection—so that the
92 party has a fair opportunity to challenge them.

93 May 1, 2019

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95 **2019 Advisory Committee Note** - The 2019 amendment adds Subsections (13) and
96 (14), following the addition of subsections (13) and (14) to Federal Rule of Evidence 902
97 in 2017. The language of subsections (13) and (14) is from the federal rule, with
98 revisions for clarity and consistency with subsection (12).

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100 **2011 Advisory Committee Note.** – The language of this rule has been amended as
101 part of the restyling of the Evidence Rules to make them more easily understood and to
102 make style and terminology consistent throughout the rules. These changes are
103 intended to be stylistic only. There is no intent to change any result in any ruling on
104 evidence admissibility. This rule is the federal rule, verbatim.

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106 **ADVISORY COMMITTEE NOTE**

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108 The amendment to Rule 803(6) and the addition of Rules 902(11) and 902(12) were
109 made to track the changes made to Federal Rule of Evidence 803(6) and the adoption
110 of Federal Rules 902(11) and 902(12), effective December 1, 2000. The changes to the
111 federal rules benefit from a federal statute allowing the use of declarations without
112 notarization. Utah has no comparable statute, so the requirements for declarations used
113 under the rule are included within the rule itself.

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115 May 1, 2019

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