

February 7, 1961.
Passed on File.

Senate File 202

By JUDICIARY 1 COMMITTEE.

Passed Senate, Date 3-6-61 Passed House, Date 4-14-61

Vote: Ayes 44 Nays 0 Vote: Ayes 91 Nays 0

Approved 4-19-61
Senate 4-18-61

copy 47 May 2

A BILL FOR

An Act to repeal sections six hundred twenty-two point twenty-eight (622.28) and six hundred twenty-two point twenty-nine (622.29), Code 1958, relating to admissibility of records as evidence and to enact a substitute therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Sections six hundred twenty-two point twenty-
2 eight (622.28) and six hundred twenty-two point twenty-nine
3 (622.29), Code 1958, are hereby repealed and the following
4 enacted in lieu thereof:

5 "Any writing or record, whether in the form of an entry in
6 a book, or otherwise, including electronic means and interpreta-
7 tions thereof, made as a memorandum or record of any act,
8 transaction, occurrence, or event, shall be admissible as evidence
9 of such act, transaction, occurrence, or event, if made in regular
10 course of any business, and if it was the regular course of such
11 business to make such memorandum or record at the time of such
12 act, transaction, occurrence, or event, or within a reasonable
13 time thereafter.

14 "All other circumstances of the making of such writing or
15 record, including lack of personal knowledge by the entrant or
16 maker, may be shown to affect its weight, but such circumstances
17 shall not affect its admissibility.

18 "The term business, as used in this section, includes business,
19 profession, occupation, and calling of every kind."

SENATE FILE 202

*adapted
as
amended
4/14
senate concurs
4/15/61*

- 1 Amend Senate File 202 by striking all of lines five (5)
- 2 through nineteen (19) of section 1 thereof and insert in
- 3 lieu thereof the following:
- 4 "Any writing or record, whether in the form of an entry
- 5 in a book, or otherwise, including electronic means and in-
- 6 terpretations thereof, offered as memoranda or records of
- 7 acts, conditions or events to prove the facts stated therein,
- 8 shall be admissible as evidence if the judge finds that they
- 9 were made in the regular course of a business at or about the
- 10 time of the act, condition or event recorded, and that the
- 11 sources of information from which made and the method and
- 12 circumstances of their preparation were such as to indicate
- 13 their trustworthiness.
- 14 "Evidence of the absence of a memorandum or record from
- 15 the memoranda or records of a business of an asserted act,
- 16 event or condition, shall be admissible as evidence to prove
- 17 the non-occurrence of the act or event, or the non-existence
- 18 of the condition, if the judge finds that it was in the
- 19 regular course of that business to make such memoranda of
- 20 all such acts, events or conditions at the time thereof or
- 21 within a reasonable time thereafter, and to preserve them.
- 22 "The term business, as used in this section, includes
- 23 business, profession, occupation, and calling of every kind."

Filed
March 28, 1961.

COMMITTEE ON JUDICIARY 1,
JOHN L. MOWRY, *Chairman.*

SENATE FILE 202

*adapted
4/14*

- 1 Amend the amendment of Committee on Judiciary 1
- 2 to Senate File 202 filed March 28, 1961, by striking
- 3 the period at the end of line 13 and inserting a
- 4 comma in lieu thereof and by adding the following:
- 5 "and if the judge finds that they are not excludable
- 6 as evidence because of any rule of admissibility of
- 7 evidence other than the hearsay rule."

Filed
April 11, 1961.

CARSTENSEN of Clinton.