

APPENDIX B

Sec. 9-3. Authentication of Public Records

The requirement of authentication as a condition precedent to admitting into evidence a record, report, statement or data compilation, in any form, is satisfied by evidence that (A) the record, report, statement or data compilation authorized by law to be recorded or filed in a public office has been recorded or filed in that public office, (B) the record, report, statement or data compilation, purporting to be a public record, report, statement or data compilation, is from the public office where items of this nature are maintained, or (C) the record, report, statement or data compilation, purporting to be a public record, report, statement or data compilation, is made available in electronic form by a public authority.

COMMENTARY

It generally is recognized that a public record may be authenticated simply by showing that the record purports to be a public record and comes from the custody of the proper public office. *State v. Calderon*, 82 Conn. App. 315, 322, 844 A.2d 866, cert. denied, 270 Conn. 905, 853 A.2d 523, cert. denied, 543 U.S. 982, 125 S. Ct. 487, 160 L. Ed. 2d 361 (2004); see *Whalen v. Gleeson*, 81 Conn. 638, 644, 71 A. 908 (1909); *Barber v. International Co. of Mexico*, 73 Conn. 587, 602, 48 A. 758 (1901). Thus, although certified copies of most public records are “self-authenticating” in accordance with other provisions of the General Statutes[; see, e.g., General Statutes § 7-55 (birth certificates)]; certification is not the exclusive means by which to authenticate a public record. The rule extends the common-law principle to public records, including electronically stored information.

Proviso (A) assumes that documents authorized by law to be recorded or filed in a public office—e.g., tax returns, wills or deeds—are public records for purposes of authentication. Cf. *Kelsey v. Hanmer*, 18 Conn. 310, 319 (1847) (deed). Proviso (B) covers reports, records, statements or data compilations prepared and maintained by the public official or public office, whether local, state, federal or foreign.