

**Rule 15-63. SDCL 19-19-902. Evidence that is self-authenticating.** The following items of evidence are self-authenticating. They require no extrinsic evidence of authenticity in order to be admitted.

**(1) Domestic public documents that are sealed and signed.** A document that bears:

- (A)** a seal purporting to be that of the United States; any state, district, commonwealth, territory, or insular possession of the United States; the former Panama Canal Zone; the Trust Territory of the Pacific Islands; a political subdivision of any of these entities; or a department, agency, or officer of any entity named above; and
- (B)** a signature purporting to be an execution or attestation.

**(2) Domestic public documents that are not sealed but are signed and certified.** A document that bears no seal if:

- (A)** it bears the signature of an officer or employee of an entity named in subdivision (1) (A); and
- (B)** another public officer who has a seal and official duties within that same entity certifies under seal – or its equivalent – that the signer has the official capacity and that the signature is genuine.

**(3) Foreign public documents.** A document that purports to

be signed or attested by a person who is authorized by a foreign country's law to do so. The document must be accompanied by a final certification that certifies the genuineness of the signature and official position of the signer or attester – or of any foreign official whose certificate of genuineness relates to the signature or attestation or is in a chain of certificates of genuineness relating to the signature or attestation. The certification may be made by a secretary of a United States embassy or legation; by a consul general, vice consul, or consular agent of the United States; or by a diplomatic or consular official of the foreign country assigned or accredited to the United States. If all parties have been given a

reasonable opportunity to investigate the document's authenticity and accuracy, the court may, for good cause, either:

- (A) order that it be treated as presumptively authentic without final certification; or
- (B) allow it to be evidenced by an attested summary with or without final certification.

(4) **Certified copies of public records.** A copy of an official record – or a copy of a document that was recorded or filed in a public office as authorized by law – if the copy is certified as correct by:

- (A) the custodian or another person authorized to make the certification; or
- (B) a certificate that complies with subdivision (1), (2) or (3), inclusive, or complying with

any law of the United States or state thereof.

(5) **Official publications.** A book, pamphlet, or other publication purporting to be issued by a public authority.

(6) **Newspapers and periodicals.** Printed material purporting to be a newspaper or periodical.

(7) **Trade inscriptions and the like.** An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control.

(8) **Acknowledged documents.** A document accompanied by

a

certificate of acknowledgement that is lawfully executed by a notary public or another officer who is authorized to take acknowledgements.

(9) **Commercial paper and related documents.** Commercial paper, a signature on it, and related documents, to the extent allowed by general commercial law.

(10) **Presumptions under a statute.** A signature, document,

or anything else that a statute of this state declares to be presumptively or prima facie genuine or authentic.

(11) **Certified domestic records of a regularly conducted**

**activity.** The original or copy of a domestic record that meets the requirements of subdivision 19-19-803(6)(A)-(C) as shown by a certification of the custodian or another qualified person that complies with a statute or a rule prescribed by the Supreme Court. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record - and must make the record and certification available for inspection - so that the party has a fair opportunity to challenge them.

**(12) Certified foreign records of a regularly conducted**

**activity.** In a civil case, the original or copy of a foreign record that meets the requirements of subdivision(11), modified as follows: the certification, rather than complying with a statute or Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of subdivision (11).