

One Hundred Third Legislature - First Session - 2013

Introducer's Statement of Intent

LB151

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 25, 2013

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The Nebraska Evidence Rules at **Neb.Rev.Stat.** §27-803(5) currently provides a “business records exception” to the hearsay rule. In order to qualify for the “exception,” a business record relating to acts, events, or conditions, other than opinions or diagnoses, must have been made at or near the time of such acts, events, or conditions, in the course of a regularly conducted activity, with the business practice of creating records acknowledged by the testimony of the custodian or other qualified witness, unless the source of information or circumstances of preparation indicate lack of trustworthiness.

LB 151 would create an “acquired” or “integrated” business records exception to the hearsay rule. In order to qualify for this “exception,” a business record relating to acts, events, or conditions, other than opinions or diagnoses, that was received or acquired by an entity from another entity, must have been incorporated into and kept in the regular course of business of the receiving or acquiring entity; the receiving or requiring entity must typically rely upon the accuracy of the contents of the business records; and the circumstances must otherwise indicate the trustworthiness of the business record, as shown by the testimony of the custodian or other qualified witness.

Principal Introducer: _____

Senator Les Seiler

