

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-390.3 of the Code of Virginia, relating to admissibility of business*  
3 *records; criminal proceedings.*

4 [H 1903]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-390.3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 8.01-390.3. Business records as evidence (Subdivision (6) of Supreme Court Rule 2:902**  
9 **derived in part from this section).**

10 A. In any ~~civil~~ proceeding where a business record is material and otherwise admissible,  
11 authentication of the record and the foundation required by subdivision (6) of Rule 2:803 of the Rules  
12 of Supreme Court of Virginia may be laid by (i) witness testimony, (ii) a certification of the authenticity  
13 of and foundation for the record made by the custodian of such record or other qualified witness either  
14 by affidavit or by declaration pursuant to § 8.01-4.3, or (iii) a combination of witness testimony and a  
15 certification.

16 B. The proponent of a business record shall (i) give written notice to all other parties if a  
17 certification under this section will be relied upon in whole or in part in authenticating and laying the  
18 foundation for admission of such record and (ii) provide a copy of the record and the certification to all  
19 other parties, so that all parties have a fair opportunity to challenge the record and certification. The  
20 notice and copy of the record and certification shall be provided no later than 15 days in advance of the  
21 trial or hearing, unless an order of the court specifies a different time. Objections shall be made within  
22 five days thereafter, unless an order of the court specifies a different time. If any party timely objects to  
23 reliance upon the certification, the authentication and foundation required by subdivision (6) of Rule  
24 2:803 of the Rules of Supreme Court of Virginia shall be made by witness testimony unless the  
25 objection is withdrawn.

26 C. A certified business record that satisfies the requirements of this section shall be  
27 self-authenticating and requires no extrinsic evidence of authenticity.

28 D. A copy of a business record may be offered in lieu of an original upon satisfaction of the  
29 requirements of subsection D of § 8.01-391 by witness testimony, a certification, or a combination of  
30 testimony and a certification.

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