

CHAPTER 31-09

PUBLIC DOCUMENTS, RECORDS, AND WRITINGS

31-09-01. Statutes, codes, decisions, when admissible as evidence of laws of foreign jurisdictions. Books purporting to be printed or published under the authority of any other state, territory, or foreign country and to contain the statutes, codes, or other written law of such state, territory, or country, or proved to be admitted commonly in the tribunals of such state, territory, or country as evidence of the written law thereof, are admissible in this state as evidence of such law. The unwritten or common law of any other state, territory, or country may be proved as a fact by parol evidence and the books of reports of cases adjudged in the courts of any such state, territory, or country also may be admitted as presumptive evidence of such law.

31-09-01.1. Reciprocal enforcement of tax statutes. The courts of this state shall recognize and enforce statutes concerning taxation constitutionally imposed by other states that extend like comity.

31-09-02. When copies of records and proceedings of federal, state, and territorial courts admissible in evidence. Copies of the records and judicial proceedings of any court of the United States, or of any state or territory of the United States, shall be admissible as evidence in this state when attested by the clerk with the seal of the court annexed, if there is a seal, together with a certificate of the judge, chief justice, or presiding magistrate that the attestation is in due form, and the said records and judicial proceedings so authenticated shall have such faith and credit given to them in every court within this state as they have by law or usage in the courts of the United States or of the state or territory from which they are taken.

31-09-03. Stenographic report or transcript as evidence. Whenever the testimony of a witness at a trial or hearing which was reported stenographically or by an electronic court reporting system is admissible in evidence at a trial, it may be proved by the transcript thereof duly certified by the person who reported or transcribed the testimony.

31-09-04. How judicial record of foreign country proved. A judicial record of a foreign country may be proved by the attestation of the clerk with the seal of the court annexed, if there is a clerk and seal, or of the legal keeper of the record, with the seal of office annexed, if there is a seal, together with the certificate of the chief judge or presiding magistrate that the person making the attestation is the clerk of the court, or the legal keeper of the record, and in either case, that the signature of such person is genuine and that the attestation is in due form. The signature of the chief judge or presiding magistrate must be authenticated by the certificate of the minister, ambassador, or a consul, vice consul, or consular agent of the United States in such foreign country.

31-09-05. Certified transcript of judge's record admissible in courts of county. A transcript of the docket record of a county judge in an action or proceeding, when certified by the judge or the judge's successor in office, shall be evidence to prove the facts contained in that transcript in any action or other proceeding in the county wherein the record was made.

31-09-06. Certified transcript of county judge's record admissible in courts of other counties. A transcript of the docket record of a county judge in an action or proceeding, when certified by the judge or the judge's successor in office, may be read in evidence in another county if there is attached thereto a certificate of the clerk of the district court of the county in which such record was made, under the seal of the court, to the effect that the person certifying such transcript was at the date thereof a county judge of the county, and in addition, if such docket record was made by another, that such other at the time of the making of the same was a county judge of the county.

31-09-07. Clerk of court - Certificate to official acts of judge. Repealed by S.L. 1991, ch. 326, § 203.

31-09-08. Entries in official books or records constitute prima facie evidence.

Entries in public or other official books or records made in the performance of duty by a public officer of this state, or by another person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts stated therein.

31-09-09. Entries made by or by direction of officers or boards constitute prima facie evidence. An entry made by an officer, or board of officers, or under the direction and in the presence of either in the course of official duty, is prima facie evidence of the facts stated in such entry.

31-09-10. Method of proving official documents. Official documents may be proved as follows:

1. The acts of the executive of this state, or of a sister state, or of the United States, by a copy of the records of the state department thereof, certified by the head of such department, or they may be proved by publications thereof printed by order of the legislative assembly, or of Congress, or of either house thereof.
2. The proceedings of the legislative assembly of this state, or of a sister state, or of Congress, by the journals of such body, or of either house thereof, or by copies thereof printed by the order of such legislative body, or either house thereof, or certified by the clerk thereof.
3. The acts of the executive or the proceedings of the legislature of a foreign country, by publications purporting to be made by their authority and to contain a record of such acts, or commonly received in that country as such, or by a copy of the official record of such act certified under the seal of the country or sovereign, or by a recognition thereof in some public act of the executive of the United States.
4. The acts of a municipal corporation of this state, or of a board or department thereof, by a copy of the official record of such acts, certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such corporation and to contain a record of such acts.
5. Documents of any other class in this state, by the original or by a copy, certified by the legal keeper thereof.
6. Documents of any other class in a sister state, by the original or by a copy, certified by the legal keeper thereof, together with the certificate of the secretary of state, judge of the supreme, superior, or county court, or mayor of a city of such state, that the copy is duly certified by the officer, who at the date of the certificate had the legal custody of the original.
7. Documents in the departments of the United States government, by the certificate of the legal custodian thereof.

31-09-11. Official reports or findings of fact admissible in evidence. Superseded by N.D.R.Ev., Rule 803.

31-09-12. Cross-examination of person making reports or findings or person furnishing information used therein. Superseded by N.D.R.Ev., Rule 803.