**Section 400.725 Authenticating Evidence**

a) Authenticating or Identifying Evidence

1) General. The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.

2) Illustrations. By way of illustration only, and not by way of limitation, the following are examples of authentication or identification conforming with the requirements of this Section:

A) Testimony of Witness with Knowledge. Testimony that a matter is what it is claimed to be.

B) Nonexpert Opinion on Handwriting. Nonexpert opinion as to the genuineness of handwriting, based upon familiarity not acquired for purposes of the litigation.

C) Comparison by Trier or Expert Witness. Comparison by the trier of fact or by expert witnesses, with specimens that have been authenticated.

D) Distinctive Characteristics. Appearance, contents, substance, internal patterns or other distinctive characteristics, taken in conjunction with circumstances.

E) Voice Identification. Identification of a voice, whether heard firsthand or through mechanical or electronic transmission or recording, by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

F) Telephone Conversations. Telephone conversations, by evidence that a call was made to the number assigned at the time by the telephone company to a particular persons or business, if:

i) in the case of a person, circumstances, including self-identification, show the person answering to be the one called; or

ii) in the case of a business, the call was made to a place of business and the conversation related to business reasonably transacted over the telephone.

G) Public Records or Reports. Evidence that a writing authorized by law to be recorded or filed, and in fact recorded or filed in a public office, or a purported public record, report, statement or data compilation, in any form, is from the public office where items of this nature are kept.

H) Ancient Documents or Data Compilation. Evidence that a document or data compilation, in any form:

i) is in such condition as to create no suspicion concerning its authenticity;

ii) was in place where it, if authentic, would likely be; and

iii) has been in existence 20 years or more at the time it is offered.

I) Processor System. Evidence describing a processor system used to produce a result and showing that the process or system produces an accurate result.

J) Methods Provided by Statute or Rule. Any method of authentication or identification provided by statute, Illinois Supreme Court rules, or other applicable rules prescribed pursuant to statutory authority. (Il. Mil. R. Evid. 901)

b) Evidence that Is Self-Authenticating

1) Definitions. Terms used in this subsection (b) have the meanings ascribed in Section 400.730(b).

2) Extrinsic evidence of authenticity as a condition precedent to admissibility is not required for the following:

A) Domestic Public Documents Under Seal. A document bearing a seal, with a signature purporting to be an attestation or execution of that seal, purporting to be that of:

i) the United States;

ii) any state;

iii) any U.S. district, commonwealth, territory or insular possession;

iv) the Panama Canal Zone;

v) the Trust Territory of the Pacific Islands; or

vi) a political subdivision, department, officer or agency of any of these political subdivisions.

B) Domestic Public Documents Not Under Seal. A document purporting to bear the signature in the official capacity of an officer or employee of any entity described in subsection (b)(2)(A) having no seal, if a public officer having a seal and having official duties in the district or political subdivision of the officer or employee certifies under seal that the signer has the official capacity and that the signature is genuine.

C) Foreign Public Documents

i) A document purporting to be executed or attested to in an official capacity by a person authorized by the laws of a foreign country to make the execution or attestation, and accompanied by a final certification as to the genuineness of the signature and official position of:

• the executing or attesting person; or

• any foreign official whose certificate of genuineness of signature and official position relates to the execution or attestation or is in a chain of certificates of genuineness of signature and official position relating to the execution of attestation.

ii) A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of official documents, the court may, for good cause shown:

• order that those documents be treated as presumptively authentic without final certification; or

* permit them to be evidenced by an attested summary with or without final certification.

D) Certified Copies of Public Records. A copy of an official record or report of entry into those records, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with subsection (b)(2)(A), (B) or (C) or complying with any Act of Congress, rule prescribed by the Supreme Court pursuant to statutory authority, or an applicable regulation prescribed pursuant to statutory authority.

E) Documents or Records of the United States Accompanied by Attesting Certificates. Documents or records kept under the authority of the United States by any U.S. department, bureau, agency, office or court when attached to or accompanied by an attesting certificate of the custodian of the document or record without further authentication.

F) Official Publications. Books, pamphlets or other publications purporting to be issued by public authority.

G) Newspapers and Periodicals. Printed material purporting to be newspapers or periodicals.

H) Trade Inscriptions, Etc. Inscriptions, signs, tags or labels purporting to have been affixed in the course of business and indicating ownership, control, content, ingredients or origin.

I) Acknowledged Documents. Documents accompanied by a certificate of acknowledgment executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments.

J) Commercial Paper and Related Documents. Commercial paper, signatures on those papers, and documents relating to those papers, to the extent provided by general commercial law.

K) Presumptions Under Acts of Congress and Regulations. Any signature, document or other matter declared by Act of Congress or by applicable regulation prescribed pursuant to statutory authority to be presumptively, or prima facie, genuine or authentic.

L) Certified Domestic Records of Regularly Conducted Activity

The original or a duplicate of a domestic record of regularly conducted activity that would be admissible under Section 400.720(c)(6) if accompanied by a written certification of its custodian or other qualified person, in a manner complying with any Act of Congress or rule prescribed by the Supreme Court pursuant to statutory authority, certifying that the record was:

i) made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters;

ii) kept in the course of the regularly conducted activity; and

iii) made by the regularly conducted activity as a regular practice. The word "certification" as used in this subsection (b)(2)(L) means, with respect to a domestic record, a written declaration under oath subject to the penalty of perjury and, with respect to a record maintained or located in a foreign country, a written declaration signed in a country that, if falsely made, would subject the maker to criminal penalty under the laws of that country. A party intending to offer a record into evidence under this subsection (b)(2)(L) must provide written notice of that intention to all adverse parties, and must make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them. (Il. Mil. R. Evid. 902)