

## 2023 Kansas Statutes

**60-464. Authentication or identification of evidence; examples.** (a) In general. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) Examples. The following are examples only, not a complete list, of evidence that satisfies the requirement:

- (1) Testimony of a witness with knowledge. Testimony that an item is what it is claimed to be.
- (2) Nonexpert opinion about handwriting. A nonexpert's opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.
- (3) Comparison by an expert witness or the trier of fact. A comparison with an authenticated specimen by an expert witness or the trier of fact.
- (4) Distinctive characteristics and the like. The appearance, contents, substance, internal patterns or other distinctive characteristics of the item, taken together with all the circumstances.
- (5) Opinion about a voice. An opinion identifying a person's voice, whether heard firsthand or through mechanical or electronic transmission or recording, based on hearing the voice at any time under circumstances that connect it with the alleged speaker.
- (6) Evidence about a telephone conversation. For a telephone conversation, evidence that a call was made to the number assigned at the time to:
  - (A) A particular person, if circumstances, including self-identification, show that the person answering was the one called; or
  - (B) a particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.
- (7) Evidence about public records. Evidence that:
  - (A) A document was recorded or filed in a public office as authorized by law; or
  - (B) a purported public record or statement is from the office where items of this kind are kept.
- (8) Evidence about ancient documents or data compilations. For a document or data compilation, evidence that it:
  - (A) Is in a condition that creates no suspicion about its authenticity;
  - (B) was in a place where, if authentic, it would likely be; and
  - (C) is at least 30 years old when offered.
- (9) Evidence about a process or system. Evidence describing a process or system and showing that it produces an accurate result.
- (10) Methods provided by a statute or rule. Any method of authentication or identification allowed by law or a rule prescribed by the supreme court.

**History:** L. 1963, ch. 303, 60-464; L. 2021, ch. 65, § 2; July 1.