



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1989 | Issue 1

Article 90

1-1-1989

Evidence; hearsay exception-banking and financial institution records

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Recommended Citation

The University of the Pacific, McGeorge School of Law, *Evidence; hearsay exception-banking and financial institution records*, 1989 U. PAC. L. REV. (2019).

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or hazardous material⁹ are admissible in evidence in criminal or civil proceedings in place of the waste or material.¹⁰

RRH

9. See *id.* (incorporating NEV. REV. STAT. § 459.700) (definition of hazardous material).

10. See *id.* sec. 2, at 183 (amending NEV. REV. STAT. § 52.395). See also 1989 Nev. Stat. ch. 44, sec. 1, at 77 (amending NEV. REV. STAT. § 50.315) (allowing admissibility of an expert's affidavit to prove the quantity of a controlled substance).

Evidence; hearsay exception—banking and financial institution records

NEV. REV. STAT. § 52.— (new); § 51.135 (amended).

AB 452 (Committee on Judiciary); 1989 STAT. Ch. 152

Under existing law, an affidavit signed by the custodian¹ of medical records or records of a casino or hotel verifying that the copies of those records are true and complete reproductions is admissible as an exception to the hearsay² rule.³ Under Chapter 152, an affidavit signed by the custodian of records of a banking or financial institution⁴ verifying that copies of those records are true reproductions is also admissible as an exception to the hearsay rule.⁵ Furthermore, Chapter 152 specifies the language to which the affidavit must substantially conform,⁶ and provides that either mailing or personally delivering true and complete copies of the records of a banking or financial institution, together with the custodian's affidavit authenticating the records, constitutes compliance with a subpoena requesting the production of records.⁷ Moreover, Chapter 152 provides that a court

1. See NEV. REV. STAT. § 52.405 (1987) (defining custodian of the records of a casino or hotel).

2. See *id.* § 51.035 (1988) (defining hearsay).

3. *Id.* § 51.135 (1987) (amended by 1989 Nev. Stat. ch. 152, sec. 1, at 322).

4. See 1989 Nev. Stat. ch. 152, sec. 3, at 323 (enacting NEV. REV. STAT. § 52.—) (defining custodian, records, and banking or financial institution).

5. *Id.* sec. 1, at 322 (amending NEV. REV. STAT. § 51.135).

6. *Id.* sec. 4, at 323 (enacting NEV. REV. STAT. § 52.—) (setting forth the contents of the certificate of custodian of records).

7. *Id.* sec. 5, at 324 (enacting NEV. REV. STAT. § 52.—).

Evidence

may order the appearance of the custodian of any record of a banking or financial institution, or the production of the original records.⁸

AWF

8. *Id.* sec. 6, at 324 (enacting NEV. REV. STAT. § 52.____). Where the authenticity of a record is reasonably questioned, the appearance of the record's custodian, or production of the original may be ordered. *Id.*

Evidence; public utilities—disclosure of customer's name

NEV. REV. STAT. § 704.____ (new).

AB 622 (Committee on Government Affairs); 1989 STAT. Ch. 377

Chapter 377 provides that upon request a public utility¹ must provide a customer's name to a law enforcement agency² to further a civil or criminal investigation.³

DA

1. See NEV. REV. STAT. § 704.020 (1987) (definition of public utility).

2. See 1989 Nev. Stat. ch. 377, sec. 2, at 803 (enacting NEV. REV. STAT. § 704.____) (the agency's request must include the social security number of the customer, a statement that the information is to assist an investigation, and the signature of the chief executive officer).

3. *Id.* A utility is not subject to liability for damages if the utility discloses the customer's name in good faith. *Id.* sec. 3 at 803 (enacting NEV. REV. STAT. § 704.____).