

**78B-5-615 Parol evidence of contents of writings -- When admissible.**

- (1) The contents of a writing shall be proved by the original writing unless:
  - (a) the original has been lost or destroyed, in which case proof of the loss or destruction shall be made first;
  - (b) the original is in the possession of the party against whom the evidence is offered and the party fails to produce it after reasonable notice;
  - (c) the original is a record or other document in the custody of a public officer;
  - (d) the original has been recorded, and the record or a certified copy of the record is made in accordance with the law governing the writing offered; or
  - (e) the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time, and the evidence sought from them is only the general result of the whole.
- (2) If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination, of any act, transaction, occurrence, or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless its preservation is required by law. The reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not, an enlargement or facsimile of the reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.
- (3) In the cases mentioned in Subsections (1)(c) and (d), a copy of the original, or of the record, shall be produced. In those mentioned in Subsections (1)(a) and (b), either a copy or oral evidence of the contents shall be given.

Renumbered and Amended by Chapter 3, 2008 General Session