

Rule Q. Record Made in Regular Course of Business: Photographic Copies

(a) Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, shall be admissible as evidence of such act, transaction, occurrence, or event, if made in regular course of any business, and if it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but such circumstances shall not affect its admissibility. The term "business", as used in this section, includes business, professional, occupation, and calling of every kind.

(b) 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 thereof 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 appears to accurately reproduce or form a durable medium for so reproducing the original, the reproduction, when satisfactorily identified, is as admissible in evidence as the original itself, whether the original is in existence or not, and an enlargement of such reproduction is likewise admissible in evidence. The introduction of a reproduced record or enlargement does not preclude admission of the original.

COMMENT

Rule Q is substantially identical to former *28 U.S.C. § 1732(a)* -- the so-called "federal shopbook rule" -- which was previously applicable in any court established by an act of Congress, including the Superior Court, but was repealed by Pub. L. No. 93-595 (January 2, 1975) which establishes Federal Rules of Evidence for Courts of the United States effective July 1, 1975. Rule Q, which deals with admissibility of copies of business records, is substantially identical to present *28 U.S.C. § 1732* which was formerly subsection (b) of that statute. (See Pub. L. No. 93-595, Sec. 2(b).)