

Submitter: Ross Day
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB2324

Chair Kropf and members of the House Judiciary Committee-

Thank you for considering my comments on HB 2324. I appreciate the fact that the Legislative Assembly is considering codifying the rule of law from State v. Chapman.

There is one consideration I would bring to the committee's attention. The bill's proposed language references a postmark affixed by the United States Postal Service. I know that large law firms (and even small law firms) use their own machines - like a Pitney Bowes machine - which affixes postage as well as a postmark.

I know the appellate courts will not accept a postmark from a Pitney Bowes machine. I know this from personal experience (ha ha).

In any event, it may be helpful to include something in the SMS that makes it clear that postmarks from Pitney Bowes machines (or other machines) do not count as a "postmark" - just to make sure there is some legislative history in the event another lawyer comes across this issue like I did.

Thank you for considering my comments.

Ross Day