

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: S3/4/97

A Bill

HOUSE BILL 1675

4
5 By: Representative Hunton
6 By: Senator Hill

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 13-4-201 TO AUTHORIZE
10 MUNICIPAL CLERKS AND RECORDERS TO ELECTRONICALLY REPRODUCE
11 COURT RECORDS; AND FOR OTHER PURPOSES."

Subtitle

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14 "AN ACT TO AUTHORIZE MUNICIPAL CLERKS
15 AND RECORDERS TO ELECTRONICALLY
16 REPRODUCE COURT RECORDS."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 13-4-201 is amended to read as follows:

21 "13-4-201. Electronic reproduction of court records.

22 The circuit clerks, county clerks, municipal clerks and recorders, and
23 any public officers whose duty it is to make and maintain court records are
24 authorized to use and employ an approved system of photographic recording,
25 photostatic recording, microfilm, microcard, miniature photographic recording,
26 digital compact disc, optical disc, and other processes which accurately
27 reproduce or form a durable medium for reproducing the original."

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29 SECTION 2. Arkansas Code Annotated 13-4-204 is amended to read as
30 follows:

31 "13-4-204. Destruction of original.

32 When any document is recorded by the means prescribed by [§] 13-4-201, the
33 original may be destroyed unless the document is over fifty (50) years old and
34 handwritten or its preservation is otherwise required by law."

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36 SECTION 3. Arkansas Code Annotated [§] 13-4-301 is amended to read as

1 follows:

2 "13-4-301. Retention required - Destruction.

3 (a) All counties of the State of Arkansas shall maintain the records
4 named in this subchapter for the period of time provided for herein, after
5 which time the records may be destroyed, but in no case shall said records be
6 destroyed until at least one (1) year after an audit by the Division of
7 Legislative Audit or any private auditor is completed and approved.

8 (b) No record of any kind over fifty (50) years old will be destroyed
9 before written notice by the custodian of the records in question has been
10 furnished to the Arkansas History Commission, describing the scope and nature
11 of said records, at least sixty (60) days prior to the destruction of the
12 records.

13 (c) Before any record shall be destroyed, the custodian of the record
14 shall document the date and type of document.

15 (d) If a record is photographically transferred to other media of a
16 permanent nature, the original documents may be destroyed, except that no
17 handwritten records over fifty (50) years old shall be destroyed.

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19 SECTION 4. All provisions of this act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.

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23 SECTION 5. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 6. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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32 /s/Hunton et al

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