

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Harriman**

A Bill

ACT 1061 OF 1995
SENATE BILL 740

For An Act To Be Entitled

8 "AN ACT TO PROVIDE STANDARDS FOR THE ELECTRONIC RECORDING
9 OF COURT RECORDS BEFORE ORIGINAL COURT RECORDS MAY BE
10 DESTROYED; AND FOR OTHER PURPOSES."

Subtitle

13 "TO PROVIDE STANDARDS FOR THE ELECTRONIC
14 RECORDING OF COURT RECORDS BEFORE
15 ORIGINAL COURT RECORDS MAY BE DESTROYED"

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

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19 SECTION 1. The circuit clerks, county clerks, and any public officers
20 whose duty it is to make and maintain court records are authorized to use and
21 employ an approved system of photographic recording, photostatic recording,
22 microfilm, microcard, miniature photographic recording, digital compact disc,
23 optical disc, and other process which accurately reproduces or forms a durable
24 medium for reproducing the original. When equipment necessary for such
25 methods of recording is used to record court records, it shall meet all of the
26 following requirements:

27 (1) The information retained shall be in a usable and accessible format
28 capable of accurately reproducing the original over the time periods specified
29 in A.C.A. 13-10-101 et seq.;

30 (2) Operational procedures shall ensure that the authenticity,
31 confidentiality, accuracy, reliability, and appropriate level of security are
32 provided to safeguard the integrity of the information;

33 (3) Procedures shall be available for the backup, recovery and storage
34 of records to protect those records against media destruction or deterioration
35 and information loss;

36 (4) A retention conversion-review schedule shall be established to

1 ensure that electronically or optically stored information is reviewed for
2 data conversion or recertification at least once every five (5) years or more
3 frequently when necessary to prevent the physical loss of data or
4 technological obsolescence of the medium.

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6 SECTION 2. A Records Retention Committee shall be created whose
7 responsibility shall be to study, develop, and issue standards consistent with
8 the guidelines enumerated in Section 1 of this act which pertain to existing
9 and future recording systems. The committee shall include one representative
10 from each of the following: (1) the Arkansas County Clerks Association, (2)
11 the Arkansas Circuit Clerks Association, (3) the Association of Arkansas
12 Counties, (4) the Arkansas History Commission, (5) the Arkansas Department of
13 Computer Services, and (6) the Association of Records Managers and
14 Administrators. The committee shall be chaired by a representative from the
15 Administrative Office of the Courts.

16 When any document is recorded by the means prescribed by Section 1, the
17 original may be destroyed unless its preservation is required by law.

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19 SECTION 3. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 4. 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 5. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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/s/Harriman

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APPROVED: 4-10-95

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