

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

A Bill

ACT 1136 OF 1995
HOUSE BILL 2015

For An Act To Be Entitled

"AN ACT TO ALLOW PHOTOGRAPHICALLY REPRODUCED BUSINESS
RECORDS ADMITTED IN COURT PURSUANT TO AFFIDAVIT OF
CUSTODIAN; AND FOR OTHER PURPOSES."

Subtitle

"TO ALLOW PHOTOGRAPHICALLY REPRODUCED
BUSINESS RECORDS ADMITTED IN COURT
PURSUANT TO AFFIDAVIT OF CUSTODIAN"

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

SECTION 1. (a) Any record or set of records or photographically reproduced copies of such records, which would be admissible under Rule 803(6) or (7) shall be admissible in evidence in any court in this state upon the affidavit of the person who would otherwise provide the prerequisites of Rule 803(6) or (7), that such records attached to such affidavit were in fact so kept as required by Rule 803(6) or (7), provided further, that such record or records along with such affidavit are filed with the clerk of the court for inclusion with the papers in the cause in which the record or records are sought to be used as evidence at least fourteen (14) days prior to the day upon which trial of said cause commences, and provided the other parties to said cause are given prompt notice by the party filing same of the filing of such record or records and affidavit, which notice shall identify the name and employer, if any, of the person making the affidavit and such records shall be made available to the counsel for other parties to the action or litigation for inspection and copying. The expense for copying shall be borne by the party, parties, or persons who desire copies and not by the party or parties who file the records and serve notice of said filing, in compliance with this rule. Notice shall be deemed to have been promptly given if it is served in

1 the manner contemplated by Rule 27(a)(2), Arkansas Rules of Civil Procedure,
2 fourteen (14) days prior to commencement of trial in said cause.

3 (b) A form for the affidavit of such person as shall make such
4 affidavit as is permitted in paragraph (a) above shall be sufficient if it
5 follows this form, though this form shall not be exclusive, and an affidavit
6 which substantially complies with the provisions of this rule shall suffice,
7 to-wit:

8 No.

9 John Doe (Name of Plaintiff)) IN THE COURT OF
10 v.) COUNTY,
11 John Roe (Name of Defendant)) Arkansas

12 AFFIDAVIT

13 Before me, the undersigned authority, personally appeared,
14 who, being by me duly sworn, deposed as follows:

15 My name is, I am of sound mind, capable of making this
16 affidavit, and personally acquainted with the facts herein stated:

17 I am the custodian of the records of Attached hereto are
18 pages of records from These said pages of
19 records are kept by in the regular course of business, and it was
20 the regular course of business of for an employee or
21 representative of, with knowledge of the act, event, condition,
22 opinion, or diagnosis, recorded to make the record or to transmit information
23 thereof to be included in such record; and the record was made at or near the
24 time or reasonably soon thereafter. The records attached hereto are the
25 original or exact duplicates of the original.

26

27 Affiant

28 SWORN TO AND SUBSCRIBED before me on the day of, 19... .

29

30 My commission expires:

31

32

33 Notary Public, State of Arkansas

34 Notary_s printed name

35

