1 State of Arkansas A Bill **ACT 1136 OF 1995** 2 80th General Assembly HOUSE BILL 2015 3 Regular Session, 1995 By: Representative Young 5 6 For An Act To Be Entitled 7 "AN ACT TO ALLOW PHOTOGRAPHICALLY REPRODUCED BUSINESS R RECORDS ADMITTED IN COURT PURSUANT TO AFFIDAVIT OF 9 CUSTODIAN; AND FOR OTHER PURPOSES." 10 11 Subtitle 12 "TO ALLOW PHOTOGRAPHICALLY REPRODUCED 13 BUSINESS RECORDS ADMITTED IN COURT 14 15 PURSUANT TO AFFIDAVIT OF CUSTODIAN" 16 17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 18 SECTION 1. (a) Any record or set of records or photographically 19 20 reproduced copies of such records, which would be admissible under Rule 803(6) 21 or (7) shall be admissible in evidence in any court in this state upon the 22 affidavit of the person who would otherwise provide the prerequisites of Rule 23 803(6) or (7), that such records attached to such affidavit were in fact so 24 kept as required by Rule 803(6) or (7), provided further, that such record or 25 records along with such affidavit are filed with the clerk of the court for 26 inclusion with the papers in the cause in which the record or records are 27 sought to be used as evidence at least fourteen (14) days prior to the day 28 upon which trial of said cause commences, and provided the other parties to 29 said cause are given prompt notice by the party filing same of the filing of 30 such record or records and affidavit, which notice shall identify the name and 31 employer, if any, of the person making the affidavit and such records shall be 32 made available to the counsel for other parties to the action or litigation 33 for inspection and copying. The expense for copying shall be borne by the 34 party, parties, or persons who desire copies and not by the party or parties 35 who file the records and serve notice of said filing, in compliance with this 36 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.
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27	Affiant
28	SWORN TO AND SUBSCRIBED before me on the day of, 19
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30	My commission expires:
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33	Notary Public, State of Arkansas
34	Notary_s printed name
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HB 2015

1	SECTION 2. All provisions of this act of a general and permanent nature
2	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3	Revision Commission shall incorporate the same in the Code.
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5	SECTION 3. If any provision of this act or the application thereof to
6	any person or circumstance is held invalid, such invalidity shall not affect
7	other provisions or applications of the act which can be given effect without
8	the invalid provision or application, and to this end the provisions of this
9	act are declared to be severable.
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11	SECTION 4. All laws and parts of laws in conflict with this act are
12	hereby repealed.
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14	APPROVED: 4-10-95
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