

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

# A Bill

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

1 compliance with this rule. Notice shall be deemed to have been promptly  
2 given if it is served in the manner contemplated by Rule 27(a)(2), Arkansas  
3 Rules of Civil Procedure, fourteen (14) days prior to commencement of trial  
4 in said cause.

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

10 No. ....

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

14 AFFIDAVIT

15 Before me, the undersigned authority, personally appeared .....,  
16 who, being by me duly sworn, deposed as follows:

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

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

28 .....  
29 Affiant

30 SWORN TO AND SUBSCRIBED before me on the ..... day of ....., 19... .  
31 .....

32 My commission expires:  
33 .....

34 .....  
35 Notary Public, State of Arkansas

Notary\_s printed name

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

1  
2  
3