

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

A Bill

SENATE BILL 345

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-46-101 TO AUTHORIZE
9 RECORD KEEPING USING ELECTRONIC IMAGING; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "TO AUTHORIZE RECORD KEEPING USING
14 ELECTRONIC IMAGING"

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

18 SECTION 1. Arkansas Code 16-46-101 is amended to read as follows:

19 "16-46-101. Recordation of certain certified copies - Photographic
20 copies of business and public records.

21 (a)(1) The clerk of any court of record may record any certified copy
22 of any instrument by attaching the certified copy to his record book so as to
23 make the copy be and become a part of the record to the extent that the copy
24 cannot be detached, and the copy shall be legally recorded when the
25 attachment has been made by the clerk. This subdivision shall apply to
26 plats, blueprints, and photostatic copies only.

27 (2) The county recorders, clerks of courts of record, and any
28 public officer whose duty it is to make public records are authorized to use
29 and employ an approved system of photographic recording when provided with
30 equipment necessary for such method of recording.

31 (b)(1) If any business, institution, member of a profession or
32 calling, or any department or agency of government, in the regular course of
33 business or activity has kept or recorded any memorandum, writing, entry,
34 print, representation, or combination thereof, of any act, transaction,
35 occurrence, or event, and in the regular course of business has caused any or

1 all of the same to be recorded, copied, or reproduced by any photographic,
2 photostatic, microfilm, microcard, miniature photographic, optical disk,
3 electronic imaging, or other process which accurately reproduces or forms a
4 durable medium for so reproducing the original, the original may be destroyed
5 in the regular course of business unless its preservation is required by law.

6 (2) The reproduction, when satisfactorily identified, is as
7 admissible in evidence as the original itself in any judicial or
8 administrative proceeding whether the original is in existence or not.

9 (3) An enlargement or facsimile of the reproduction is likewise
10 admissible in evidence if the original reproduction is in existence and
11 available for inspection under direction of the court.

12 (4) The introduction of a reproduced record, enlargement, or
13 facsimile does not preclude admission of the original."

14

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

18

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

24

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

27

28

29

30

31

32

33

34

35

