

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

A Bill

SENATE BILL

740

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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."

11

Subtitle

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

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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
24 durable medium for reproducing the original. When equipment necessary for
25 such methods of recording is used to record court records, it shall meet all
26 of the following requirements:

27 (1) The information retained shall be in a usable and accessible
28 format capable of accurately reproducing the original over the time periods
29 specified 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
35 deterioration and information loss;

(4) A retention conversion-review schedule shall be established to ensure that electronically or optically stored information is reviewed for data conversion or recertification at least once every five (5) years or more frequently when necessary to prevent the physical loss of data or technological obsolescence of the medium.

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

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

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

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24 SECTION 4. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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

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/s/Harriman

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As Engrossed: 3/27/95

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