

Arkansas State Laws on Optical Images

State Archivist and Records Manager:

Arkansas History Commission

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CHAPTER 46

DOCUMENTARY EVIDENCE GENERALLY

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3. HOSPITAL RECORDS ACT.

SUBCHAPTER 1 -- GENERAL PROVISIONS

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and public records.

16-46-101. Recordation of certain certified copies -- Photo-
graphic copies of business and public records.

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

(2) The county recorders, clerks of courts of record, and any public

officer whose duty it is to make public records are authorized to use and employ an approved system of photographic recording when provided with equipment necessary for such method of recording.

(b)(1) If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation, or combination thereof, of any act, transaction, occurrence, or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless its preservation is required by law.

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

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

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

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AND COURTS

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CHAPTER 46

DOCUMENTARY EVIDENCE GENERALLY

SUBCHAPTER.

1. GENERAL PROVISIONS.

2. PUBLIC RECORDS AS EVIDENCE GENERALLY.

3. HOSPITAL RECORDS ACT.

SUBCHAPTER 1 -- GENERAL PROVISIONS

SECTION.

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

16-46-102. Writing filed with pleading read as genuine unless denied.

16-46-103. Surveys.

SECTION.

16-46-104. Investigations of attendance at places of public amusement.

16-46-105. Records of, and testimony before, committees reviewing and evaluating quality of medical or hospital care.

Effective Dates. Acts 1953, No. 64, § 2: Feb. 13, 1953. Emergency clause provided: "It has been found that great diffi-

culty and confusion exists in the application of rules of evidence respecting public and business records and that enactment of this law will greatly alleviate this situation and provide for more efficient administration of justice. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1957, No. 294, § 5: Mar. 27, 1957.

Emergency clause provided: "Because the alleged results of blind checking are being used by those engaged in contracting film and other forms of amusement and entertainment upon a percentage rental basis to intimidate exhibitors to settle rental claims for an amount in excess of the amount shown by the books of said exhibitors in order to avoid threats of litigation and the resulting adverse publicity, and this Act being necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, and this Act shall be in

full force and effect from and after its passage and approval."

Acts 1977, No. 445, § 6: became law without Governor's signature, Mar. 16, 1977. Emergency clause provided: "it is hereby found and declared by the General Assembly of the State of Arkansas that in order to insure candor, objectivity and the presentation of all pertinent information sought by committees reviewing the quality of medical and hospital care and thus contribute to the effective functioning of committees striving to determine and improve such care, an absolute privilege of confidentiality should be afforded to data elicited during the course of such inquiries and that the privilege of confidentiality should be provided for as soon as possible. Therefore, an emergency is hereby declared to exist, and this Act, being necessary for the immediate preservation of the public peace, health and safety, shall be in effect from the date of its passage and approval."

16-46-101. Recordation of certain certified copies--Photo.
graphic copies of business and public records.

(a)(1) The clerk of any court of record may record any certified copy

of any instrument by attaching the certified copy to his record book so as to make the copy be and become a part of the record to the extent that the copy cannot be detached, and the copy shall be legally recorded when the attachment has been made by the clerk. This subdivision shall apply to plats, blueprints, and photostatic copies only.

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

(b)(1) If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation, or combination thereof, of any act, transaction, occurrence, or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless its preservation is required by law.

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

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

(4) The introduction of a reproduced record, enlargement, or facsim-

ile does not preclude admission of the original.

ACT 454

AN ACT to Amend Arkansas Code 16-46-101 to Authorize County Recorders, Court Clerks, and Other Public Officers to Destroy Original Documents Once Recorded by Photographic, Photostatic, Microfilm, Microcard, Optical Disc or Other Process Which Accurately Forms a Durable Medium for Reproducing the Original; and for Other Purposes.

Subtitle

TO AUTHORIZE County Recorders, Court Clerks, and Other Public Officers to Destroy Original Documents Once Recorded by a Process Which Forms a Durable Medium for Reproducing the Original.

Be It Enacted by the General Assembly of the State of Arkansas:

SECTION 1. Arkansas Code 16-46-101(a)(2)

is amended to read as follows:

"(2) The county recorders, clerks of courts of record, and any public officer whose duty it is to make public records are authorized to use and employ an approved system of photographic recording, photostatic recording, microfilm, microcard, miniature photographic recording, optical disc, or

other process which accurately reproduces or forms a durable medium for reproducing the original when provided with equipment necessary for such method of recording. When any document is recorded by the means prescribed by this subdivision, the original may be destroyed unless its preservation is required by law."

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.

APPROVED: February 27, 1995.

ACT 566

AN ACT to Amend Arkansas Code 16-46-101 to Authorize Record Keeping Using Electronic Imaging; and for Other Purposes.

Subtitle

TO AUTHORIZE Record Keeping Using Electronic
Imaging

Be It Enacted by the General Assembly of the State
of Arkansas:

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

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

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

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

(b)(1) If any business, institution, member of a
profession or calling, or any department or agency

of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation, or combination thereof, of any act, transaction, occurrence, or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk, electronic imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless its preservation is required by law.

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

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

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

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

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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.

APPROVED: March 9, 1995.