

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/1/25

A Bill

HOUSE BILL 1739

By: Representative M. Brown

By: Senator Dees

For An Act To Be Entitled

AN ACT TO ADOPT THE UNIFORM ELECTRONIC LEGAL
MATERIALS ACT; AND FOR OTHER PURPOSES.

Subtitle

TO ADOPT THE UNIFORM ELECTRONIC LEGAL
MATERIALS ACT.

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

SECTION 1. Arkansas Code Title 25, is amended to add an additional chapter to read as follows:

CHAPTER 44

UNIFORM ELECTRONIC LEGAL MATERIALS ACT

25-44-101. Short title.

This act may be cited as the "Uniform Electronic Legal Materials Act".

25-44-102. Definitions.

In this act:

(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(2)(A) "Legal material" means, whether or not in effect:

(i) The Arkansas Constitution;

(ii) The Arkansas Code;

(iii) The Code of Arkansas Rules; or



(iv) A state agency rule that has or had the effect of law.

(B) "Legal material" does not mean material published by the Arkansas judiciary, including without limitation the Administrative Office of the Courts, including without limitation:

(i) A reported decision of the Supreme Court, the Court of Appeals, a circuit court, or a district court; or

(ii) A state judicial rule.

(3) "Official publisher" means:

(A) The Arkansas Code Revision Commission for the Arkansas Code;

(B) The Bureau of Legislative Research for the Code of Arkansas Rules; and

(C) The Secretary of State for:

(i) The Arkansas Constitution; or

(ii) A state agency rule that has the effect of law.

(4) "Publish" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher;

(5) "Record" means information that is inscribed on a tangible medium that is stored in an electronic or other medium and is retrievable in perceivable form; and

(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

25-44-103. Applicability.

This act applies to all legal material in an electronic record that is:

(1) Designated as official under § 25-44-104; and

(2) First published electronically on or after the effective date of this act.

25-44-104. Legal material in an official electronic record.

(a) If an official publisher publishes legal material only in an electronic record, the publisher shall:

(1) Designate the electronic record as official; and

(2) Comply with §§ 25-44-105 – 25-44-107.

(b) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with §§ 25-44-105 – 25-44-107.

25-44-105. Authentication of an official electronic record.

(a) An official publisher of legal material in an electronic record designated as official under § 25-44-104 shall authenticate the record.

(b) To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

25-44-106. Effect of authentication.

(a) Legal material in an electronic record that is authenticated under § 25-44-105 is presumed to be an accurate copy of the legal material.

(b) If another state has adopted a law substantially similar to this act, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(c) A party contesting the authentication of legal material in an electronic record authenticated under § 25-44-105 has the burden of proving by a preponderance of the evidence that the record is not authentic.

25-44-107. Preservation and security of legal material in official electronic record.

(a) An official publisher of legal material in an electronic record that is or was designated as official under § 25-44-104 shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(b) If legal material is preserved under subsection (a) in an electronic record, the official publisher shall:

(1) Ensure the integrity of the record;

(2) Provide for backup and disaster recovery of the record; and

(3) Ensure the continued usability of the record.

25-44-108. Public access to legal material in official electronic record.

An official publisher of legal material in an electronic record that is required to be preserved under § 25-44-107 shall ensure that the material is reasonably available for use by the public on a permanent basis.

25-44-109. Standards.

In implementing this act, an official publisher of legal material in an electronic record shall consider:

- (1) Standards and practices of other jurisdictions;
- (2) The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies;
- (3) The needs of users of legal material in an electronic record;
- (4) The views of governmental officials and entities and other interested persons; and
- (5) To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this act.

25-44-110. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

25-44-111. Relation to Electronic Signatures in the Global and National Commerce Act.

This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., as it existed on January 1, 2025, but does not:

- (1) Modify, limit, or supersede Section 101(c) of that act, 15 U.S.C.

§ 7001(c), as it existed on January 1, 2025; or

(2) Authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b), as it existed on January 1, 2025.

25-44-112. Effective date.

This act is effective on and after January 1, 2026.

/s/M. Brown