

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1748

5 By: Representative M. Brown
6 By: Senator Dees
7

For An Act To Be Entitled

8 AN ACT TO ADOPT THE UNIFORM ELECTRONIC LEGAL
9 MATERIALS ACT; AND FOR OTHER PURPOSES.
10
11

Subtitle

12 TO ADOPT THE UNIFORM ELECTRONIC LEGAL
13 MATERIALS ACT.
14
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 25, is amended to add an additional
20 chapter to read as follows:
21

CHAPTER 44

UNIFORM ELECTRONIC LEGAL MATERIALS ACT

22
23
24
25 25-44-101. Short title.

26 This act may be cited as the "Uniform Electronic Legal Materials Act".
27

28 25-44-102. Definitions.

29 In this act:

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

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

34 (A) The Arkansas Constitution;

35 (B) The Arkansas Code;

36 (C) A state agency rule that has or had the effect of law;



1 (D) A reported decision of the Supreme Court, the Court of
 2 Appeals, a circuit court, and a district court; or

3 (E) A state judicial rule;

4 (3) "Official publisher" means:

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

7 (B) The Secretary of State for:

8 (i) The Arkansas Constitution; or

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

10 and

11 (C) The Arkansas judiciary for:

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

14 (ii) A state judicial rule;

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

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

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

24
 25 25-44-103. Applicability.

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

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

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

30
 31 25-44-104. Legal material in an official electronic record.

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

34 (1) Designate the electronic record as official; and

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

36 (b) An official publisher that publishes legal material in an

1 electronic record and also publishes the material in a record other than an
2 electronic record may designate the electronic record as official if the
3 publisher complies with §§ 25-44-105 – 25-44-107.

4
5 25-44-105. Authentication of an official electronic record.

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

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

12
13 25-44-106. Effect of authentication.

14 (a) Legal material in an electronic record that is authenticated under
15 § 25-44-105 is presumed to be an accurate copy of the legal material.

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

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

23
24 25-44-107. Preservation and security of legal material in official
25 electronic record.

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

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

32 (1) Ensure the integrity of the record;

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

34 (3) Ensure the continued usability of the record.

35
36 25-44-108. Public access to legal material in official electronic

1 record.

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

5
 6 25-44-109. Standards.

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

9 (1) Standards and practices of other jurisdictions;

10 (2) The most recent standards regarding authentication of,
 11 preservation and security of, and public access to, legal material in an
 12 electronic record and other electronic records, as promulgated by national
 13 standard-setting bodies;

14 (3) The needs of users of legal material in an electronic
 15 record;

16 (4) The views of governmental officials and entities and other
 17 interested persons; and

18 (5) To the extent practicable, methods and technologies for the
 19 authentication of, preservation and security of, and public access to, legal
 20 material that are compatible with the methods and technologies used by other
 21 official publishers in this state and in other states that have adopted a law
 22 substantially similar to this act.

23
 24 25-44-110. Uniformity of application and construction.

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

28
 29 25-44-111. Relation to Electronic Signatures in the Global and
 30 National Commerce Act.

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

34 (1) Modify, limit, or supersede Section 101(c) of that act, 15 U.S.C.
 35 § 7001(c), as it existed on January 1, 2025; or

36 (2) Authorize electronic delivery of any of the notices described in

1 Section 103(b) of that act, 15 U.S.C. § 7003(b), as it existed on January 1,
2 2025.

3
4 25-44-112. Effective date.

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

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
36