

Senate Engrossed

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 316

SENATE BILL 1414

AN ACT

AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 53; RELATING TO LEGAL MATERIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 53, to read:

4 CHAPTER 53

5 UNIFORM ELECTRONIC LEGAL MATERIAL ACT

6 ARTICLE 1. GENERAL PROVISIONS

7 41-5301. Short title

8 THIS ARTICLE MAY BE CITED AS THE "UNIFORM ELECTRONIC LEGAL MATERIAL
9 ACT".

10 41-5302. Definitions

11 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 1. "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING ELECTRICAL,
13 DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC OR SIMILAR
14 CAPABILITIES.

15 2. "LEGAL MATERIAL" MEANS, WHETHER OR NOT IN EFFECT:

16 (a) THE CONSTITUTION OF ARIZONA.

17 (b) THE ARIZONA SESSION LAWS.

18 (c) THE ARIZONA REVISED STATUTES.

19 3. "OFFICIAL PUBLISHER" MEANS THE ARIZONA LEGISLATIVE COUNCIL.

20 4. "PUBLISH" MEANS TO DISPLAY, PRESENT OR RELEASE TO THE PUBLIC, OR
21 CAUSE TO BE DISPLAYED, PRESENTED OR RELEASED TO THE PUBLIC, BY THE OFFICIAL
22 PUBLISHER.

23 5. "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM
24 OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN
25 PERCEIVABLE FORM.

26 6. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
27 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS OR ANY TERRITORY OR
28 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

29 41-5303. Applicability

30 THIS ARTICLE APPLIES TO ALL LEGAL MATERIAL IN AN ELECTRONIC RECORD THAT
31 IS DESIGNATED AS OFFICIAL UNDER SECTION 41-5304 AND FIRST PUBLISHED
32 ELECTRONICALLY ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

33 41-5304. Legal material in official electronic record

34 A. IF AN OFFICIAL PUBLISHER PUBLISHES LEGAL MATERIAL ONLY IN AN
35 ELECTRONIC RECORD, THE PUBLISHER SHALL:

36 1. DESIGNATE THE ELECTRONIC RECORD AS OFFICIAL.

37 2. COMPLY WITH SECTIONS 41-5305, 41-5307 AND 41-5308.

38 B. AN OFFICIAL PUBLISHER THAT PUBLISHES LEGAL MATERIAL IN AN
39 ELECTRONIC RECORD AND ALSO PUBLISHES THE MATERIAL IN A RECORD OTHER THAN AN
40 ELECTRONIC RECORD MAY DESIGNATE THE ELECTRONIC RECORD AS OFFICIAL IF THE
41 PUBLISHER COMPLIES WITH SECTIONS 41-5305, 41-5307 AND 41-5308.

42 41-5305. Authentication of official electronic record

43 AN OFFICIAL PUBLISHER OF LEGAL MATERIAL IN AN ELECTRONIC RECORD THAT IS
44 DESIGNATED AS OFFICIAL UNDER SECTION 41-5304 SHALL AUTHENTICATE THE RECORD.
45 TO AUTHENTICATE AN ELECTRONIC RECORD, THE PUBLISHER SHALL PROVIDE A METHOD

1 FOR A USER TO DETERMINE THAT THE RECORD RECEIVED BY THE USER FROM THE
2 PUBLISHER IS UNALTERED FROM THE OFFICIAL RECORD PUBLISHED BY THE PUBLISHER.

3 41-5306. Effect of authentication

4 A. LEGAL MATERIAL IN AN ELECTRONIC RECORD THAT IS AUTHENTICATED UNDER
5 SECTION 41-5305 IS PRESUMED TO BE AN ACCURATE COPY OF THE LEGAL MATERIAL.

6 B. IF ANOTHER STATE HAS ADOPTED A LAW SUBSTANTIALLY SIMILAR TO THIS
7 ARTICLE, LEGAL MATERIAL IN AN ELECTRONIC RECORD THAT IS DESIGNATED AS
8 OFFICIAL AND AUTHENTICATED BY THE OFFICIAL PUBLISHER IN THAT STATE IS
9 PRESUMED TO BE AN ACCURATE COPY OF THE LEGAL MATERIAL.

10 C. A PARTY CONTESTING THE AUTHENTICATION OF LEGAL MATERIAL IN AN
11 ELECTRONIC RECORD AUTHENTICATED UNDER SECTION 41-5305 HAS THE BURDEN OF
12 PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE RECORD IS NOT AUTHENTIC.

13 41-5307. Preservation and security of legal materials in
14 official electronic record

15 A. AN OFFICIAL PUBLISHER OF LEGAL MATERIAL IN AN ELECTRONIC RECORD
16 THAT IS OR WAS DESIGNATED AS OFFICIAL UNDER SECTION 41-5304 SHALL PROVIDE FOR
17 THE PRESERVATION AND SECURITY OF THE RECORD IN AN ELECTRONIC FORM OR A FORM
18 THAT IS NOT ELECTRONIC.

19 B. IF LEGAL MATERIAL IS PRESERVED UNDER SUBSECTION A OF THIS SECTION
20 IN AN ELECTRONIC RECORD, THE OFFICIAL PUBLISHER SHALL:

- 21 1. ENSURE THE INTEGRITY OF THE RECORD.
- 22 2. PROVIDE FOR BACKUP AND DISASTER RECOVERY OF THE RECORD.
- 23 3. ENSURE THE CONTINUING USABILITY OF THE MATERIAL.

24 41-5308. Public access to legal material in official electronic
25 record

26 AN OFFICIAL PUBLISHER OF LEGAL MATERIAL IN AN ELECTRONIC RECORD THAT IS
27 REQUIRED TO BE PRESERVED UNDER SECTION 41-5307 SHALL ENSURE THAT THE MATERIAL
28 IS REASONABLY AVAILABLE FOR USE BY THE PUBLIC ON A PERMANENT BASIS.

29 41-5309. Standards

30 IN IMPLEMENTING THIS ARTICLE, AN OFFICIAL PUBLISHER OF LEGAL MATERIAL
31 IN AN ELECTRONIC RECORD SHALL CONSIDER:

- 32 1. STANDARDS AND PRACTICES OF OTHER JURISDICTIONS.
- 33 2. THE MOST RECENT STANDARDS REGARDING AUTHENTICATION OF, PRESERVATION
34 AND SECURITY OF AND PUBLIC ACCESS TO LEGAL MATERIAL IN AN ELECTRONIC RECORD
35 AND OTHER ELECTRONIC RECORDS, AS PROMULGATED BY NATIONAL STANDARD-SETTING
36 BODIES.
- 37 3. THE NEEDS OF USERS OF LEGAL MATERIAL IN AN ELECTRONIC RECORD.
- 38 4. THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND OTHER
39 INTERESTED PERSONS.
- 40 5. TO THE EXTENT PRACTICABLE, METHODS AND TECHNOLOGIES FOR THE
41 AUTHENTICATION OF, PRESERVATION AND SECURITY OF AND PUBLIC ACCESS TO LEGAL
42 MATERIAL THAT ARE COMPATIBLE WITH THE METHODS AND TECHNOLOGIES USED BY OTHER
43 OFFICIAL PUBLISHERS IN THIS STATE AND IN OTHER STATES THAT HAVE ADOPTED A LAW
44 SUBSTANTIALLY SIMILAR TO THIS ARTICLE.

Passed the House May 7, 2016,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 25, 2016,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of May, 2016.

at 10:07 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 17th day of

May, 2016,

at 5:23 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18th day of May, 2016

at 10:02 o'clock A. M.

[Signature]
Secretary of State

S.B. 1414