



General Assembly

January Session, 2013

Raised Bill No. 235

LCO No. 1214

01214_____JUD

Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE ADOPTION OF THE UNIFORM
ELECTRONIC LEGAL MATERIAL ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) Sections 1 to 11, inclusive, of
2 this act may be cited as the Uniform Electronic Legal Material Act.

3 Sec. 2. (NEW) (*Effective July 1, 2013*) As used in sections 1 to 11,
4 inclusive, of this act:

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

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

9 (A) The Constitution of the state of Connecticut;

10 (B) The general statutes of the state of Connecticut;

11 (C) The regulations of Connecticut state agencies; and

12 (D) The reported decisions of the following state courts: The
13 Supreme Court, the Appellate Court and the Superior Court;

14 (3) "Official publisher" means: (A) For the Constitution of the state
15 of Connecticut, the Secretary of the State;

16 (B) For the general statutes of the state of Connecticut, the Joint
17 Committee on Legislative Management;

18 (C) For the regulations of Connecticut state agencies, the Secretary
19 of the State; and

20 (D) For the reported decisions of the Supreme Court, the Appellate
21 Court and the Superior Court, the Commission on Official Legal
22 Publications;

23 (4) "Official record" means the version of legal material designated
24 by an official publisher as the official version of such material;

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

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

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

35 Sec. 3. (NEW) (*Effective July 1, 2013*) Sections 1 to 11, inclusive, of
36 this act shall apply to all legal material in an electronic record that is
37 designated as official under section 4 of this act and first published
38 electronically on or after July 1, 2013.

39 Sec. 4. (NEW) (*Effective July 1, 2013*) (a) If an official publisher
40 publishes legal material only in an electronic record, the publisher
41 shall: (1) Designate the electronic record as official; and (2) comply
42 with sections 5, 7 and 8 of this act.

43 (b) An official publisher that publishes legal material in an
44 electronic record and also publishes the material in a record other than
45 an electronic record may designate the electronic record as official if
46 the publisher complies with sections 5, 7 and 8 of this act.

47 Sec. 5. (NEW) (*Effective July 1, 2013*) An official publisher of legal
48 material in an electronic record that is designated as official under
49 section 4 of this act shall authenticate the electronic record. To
50 authenticate an electronic record, the official publisher shall provide a
51 method for a user to determine that the electronic record received by
52 the user from the official publisher is unaltered from the official record
53 published by the official publisher.

54 Sec. 6. (NEW) (*Effective July 1, 2013*) (a) Legal material in an
55 electronic record that is authenticated under section 5 of this act is
56 presumed to be an accurate copy of the legal material.

57 (b) If another state has adopted a law substantially similar to the
58 provisions of sections 1 to 11, inclusive, of this act, legal material in an
59 electronic record that is designated as official and authenticated by the
60 official publisher in that state is presumed to be an accurate copy of the
61 legal material.

62 (c) A party contesting the authentication of legal material in an
63 electronic record authenticated under section 5 of this act has the
64 burden of proving by a preponderance of the evidence that the record
65 is not authentic.

66 Sec. 7. (NEW) (*Effective July 1, 2013*) (a) An official publisher of legal
67 material in an electronic record that is or was designated as official
68 under section 4 of this act shall provide for the preservation and

69 security of the record in an electronic form or a form that is not
70 electronic.

71 (b) If legal material is preserved in an electronic record under
72 subsection (a) of this section, the official publisher shall: (1) Ensure the
73 integrity of the electronic record; (2) provide for backup and disaster
74 recovery of the electronic record; and (3) ensure the continuing
75 usability of the legal material.

76 Sec. 8. (NEW) (*Effective July 1, 2013*) An official publisher of legal
77 material in an electronic record that is required to be preserved under
78 section 7 of this act shall ensure that the material is reasonably
79 available for use by the public on a permanent basis.

80 Sec. 9. (NEW) (*Effective July 1, 2013*) In implementing the provisions
81 of sections 1 to 11, inclusive, of this act, an official publisher of legal
82 material in an electronic record shall consider:

83 (1) Standards and practices of other jurisdictions;

84 (2) The most recent standards regarding authentication of,
85 preservation and security of, and public access to, legal material in an
86 electronic record and other electronic records, as promulgated by
87 national standard-setting bodies and any standards or guidelines
88 established by the State Librarian or the Public Records Administrator
89 in accordance with sections 11-8 and 11-8a of the general statutes;

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

91 (4) The views of governmental officials and entities and other
92 interested persons; and

93 (5) To the extent practicable, methods and technologies for the
94 authentication of, preservation and security of, and public access to,
95 legal material which are compatible with the methods and
96 technologies used by other official publishers in this state and in other

97 states that have adopted a law substantially similar to the provisions of
 98 sections 1 to 11, inclusive, of this act.

99 Sec. 10. (NEW) (*Effective July 1, 2013*) In applying and construing the
 100 provisions of the Uniform Electronic Legal Material Act, consideration
 101 shall be given to the need to promote uniformity of the law with
 102 respect to its subject matter among states that enact such uniform
 103 provisions.

104 Sec. 11. (NEW) (*Effective July 1, 2013*) The provisions of sections 1 to
 105 10, inclusive, of this act modify, limit and supersede the Electronic
 106 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,
 107 but do not modify, limit or supersede Section 101(c) of said act, 15 USC
 108 7001(c), or authorize electronic delivery of any of the notices described
 109 in Section 103(b) of said act, 15 USC 7003(b).

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	New section
Sec. 3	<i>July 1, 2013</i>	New section
Sec. 4	<i>July 1, 2013</i>	New section
Sec. 5	<i>July 1, 2013</i>	New section
Sec. 6	<i>July 1, 2013</i>	New section
Sec. 7	<i>July 1, 2013</i>	New section
Sec. 8	<i>July 1, 2013</i>	New section
Sec. 9	<i>July 1, 2013</i>	New section
Sec. 10	<i>July 1, 2013</i>	New section
Sec. 11	<i>July 1, 2013</i>	New section

Statement of Purpose:

To adopt the Uniform Electronic Legal Material Act in this state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]