



**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:

15 (A) For the Constitution of the state of Connecticut, the Secretary of

16 the State;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67 Sec. 7. (NEW) (*Effective July 1, 2013*) (a) An official publisher of legal
68 material in an electronic record that is or was designated as official
69 under section 4 of this act shall provide for the preservation and
70 security of the record in an electronic form or a form that is not
71 electronic.

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

75 recovery of the electronic record; and (3) ensure the continuing
76 usability of the legal material.

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

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

84 (1) Standards and practices of other jurisdictions;

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

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

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

94 (5) To the extent practicable, methods and technologies for the
95 authentication of, preservation and security of, and public access to,
96 legal material which are compatible with the methods and
97 technologies used by other official publishers in this state and in other
98 states that have adopted a law substantially similar to the provisions of
99 sections 1 to 11, inclusive, of this act.

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

104 provisions.

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

In section 4(a) and (b), "the electronic record as official" was changed to "the electronic record as the official record" for consistency with the defined term.

JUD *Joint Favorable Subst. -LCO*