

AN ACT ADOPTING THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT.

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

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

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

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

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

(A) The Constitution of the state of Connecticut;

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

(C) The regulations of Connecticut state agencies; and

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

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

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

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

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

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

(5) "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;

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

(7) "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.

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

Sec. 4. (NEW) (*Effective July 1, 2013*) (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 sections 5, 7 and 8 of this act.

(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 sections 5, 7 and 8 of this act.

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

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

(b) If another state has adopted a law substantially similar to the provisions of sections 1 to 11, inclusive, of 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 section 5 of this act has the burden of proving by a preponderance of the evidence that the record is not authentic.

Sec. 7. (NEW) (*Effective July 1, 2013*) (a) An official publisher of legal material in an electronic record that is or was designated as official under section 4 of this act 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 in an electronic record under subsection (a) of this section, the official publisher shall: (1) Ensure the integrity of the electronic record; (2) provide for backup and disaster recovery of the electronic record; and (3) ensure the continuing usability of the legal material.

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

Sec. 9. (NEW) (*Effective July 1, 2013*) In implementing the provisions of sections 1 to 11, inclusive, of 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 and any standards or guidelines established by the State Librarian or the Public Records Administrator in accordance with sections 11-8 and 11-8a of the general statutes;
- (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 which 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 the provisions of sections 1 to 11, inclusive, of this act.

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

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