

SENATE BILL No. 131

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-61.

Synopsis: Uniform electronic legal material act. Implements the Uniform Electronic Legal Material Act, which establishes a process for certain legal materials stored electronically to be: (1) designated as official; (2) authenticated; (3) preserved; and (4) made available to the public.

Effective: July 1, 2022.

Freeman

January 4, 2022, read first time and referred to Committee on Judiciary.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 131

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-61 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 3 2022]:
 4 **ARTICLE 61. UNIFORM ELECTRONIC LEGAL MATERIAL**
 5 **ACT**
 6 **Chapter 1. Application**
 7 **Sec. 1. This article applies to all legal material in an electronic**
 8 **record that is designated as official under IC 34-61-3-1 and first**
 9 **published electronically after July 1, 2023.**
 10 **Chapter 2. Definitions**
 11 **Sec. 1. The following definitions apply throughout this article:**
 12 (1) "Electronic" means relating to technology having
 13 electrical, digital, magnetic, wireless, optical, electromagnetic,
 14 or similar capabilities.
 15 (2) "Legal material" means, whether or not in effect:
 16 (A) the Constitution of the State of Indiana;
 17 (B) the Indiana Acts (session laws);



- 1 (C) the Indiana Code;
 2 (D) an agency rule;
 3 (E) an official opinion of the attorney general;
 4 (F) an opinion of the court of appeals or the supreme
 5 court; or
 6 (G) court rules adopted by the supreme court.
- 7 (3) "Official publisher" means:
 8 (A) for the Constitution of the State of Indiana, the
 9 legislative services agency;
 10 (B) for the Indiana Acts (session laws), the legislative
 11 services agency;
 12 (C) for the Indiana Code, the legislative services agency;
 13 (D) for an agency rule published in the Indiana
 14 Administrative Code, the legislative services agency;
 15 (E) for a rule not published in the Indiana Code, the state
 16 agency adopting the rule;
 17 (F) for an official opinion of the attorney general, the
 18 attorney general;
 19 (G) for an opinion of the court of appeals or the supreme
 20 court, the supreme court; or
 21 (H) for court rules adopted by the supreme court, the
 22 supreme court.
- 23 (4) "Publish" means to display, present, or release to the
 24 public, or cause to be displayed, presented, or released to the
 25 public, by the official publisher.
- 26 (5) "Record" means information that is inscribed on a
 27 tangible medium or that is stored in an electronic or other
 28 medium and is retrievable in perceivable form.
- 29 (6) "State" means a state of the United States, the District of
 30 Columbia, Puerto Rico, the United States Virgin Islands, or
 31 any territory or insular possession subject to the jurisdiction
 32 of the United States.
- 33 **Chapter 3. Electronic Records**
- 34 **Sec. 1. (a) If an official publisher publishes legal material only**
 35 **in an electronic record, the publisher shall:**
- 36 (1) designate the electronic record as official; and
 37 (2) comply with sections 2, 4, and 5 of this chapter.
- 38 (b) An official publisher that publishes legal material in an
 39 electronic record and also publishes the material in a record other
 40 than an electronic record may designate the electronic record as
 41 official if the publisher complies with sections 2, 4, and 5 of this
 42 chapter.



1 **Sec. 2. An official publisher of legal material in an electronic**
2 **record that is designated as official under section 1 of this chapter**
3 **shall authenticate the record. To authenticate an electronic record,**
4 **the publisher shall provide a method for a user to determine that**
5 **the record received by the user from the publisher is unaltered**
6 **from the official record published by the publisher.**

7 **Sec. 3. (a) Legal material in an electronic record that is**
8 **authenticated under section 2 of this chapter is presumed to be an**
9 **accurate copy of the legal material.**

10 **(b) If another state has adopted a law substantially similar to**
11 **this article, legal material in an electronic record that is designated**
12 **as official and authenticated by the official publisher in that state**
13 **is presumed to be an accurate copy of the legal material.**

14 **(c) A party contesting the authentication of legal material in an**
15 **electronic record authenticated under section 2 of this chapter has**
16 **the burden of proving by a preponderance of the evidence that the**
17 **record is not authentic.**

18 **Sec. 4. (a) An official publisher of legal material in an electronic**
19 **record that is or was designated as official under section 1 of this**
20 **chapter shall provide for the preservation and security of the**
21 **record in an electronic form or a form that is not electronic.**

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

24 **(1) ensure the integrity of the record;**

25 **(2) provide for backup and disaster recovery of the record;**
26 **and**

27 **(3) ensure the continuing usability of the material.**

28 **Sec. 5. An official publisher of legal material in an electronic**
29 **record that is required to be preserved under section 4 of this**
30 **chapter shall ensure that the material is reasonably available for**
31 **use by the public on a permanent basis.**

32 **Sec. 6. In implementing this article, an official publisher of legal**
33 **material in an electronic record shall consider:**

34 **(1) standards and practices of other jurisdictions;**

35 **(2) the most recent standards regarding authentication of,**
36 **preservation and security of, and public access to legal**
37 **material in an electronic record and other electronic records,**
38 **as promulgated by national standard setting bodies;**

39 **(3) the needs of users of legal material in an electronic record;**

40 **(4) the views of governmental officials and entities and other**
41 **interested persons; and**

42 **(5) to the extent practicable, methods and technologies for the**



1 authentication of, preservation and security of, and public
2 access to legal material that are compatible with the methods
3 and technologies used by other official publishers in Indiana
4 and in other states that have adopted a law substantially
5 similar to this article.

6 Sec. 7. In applying and construing this uniform act,
7 consideration must be given to the need to promote uniformity of
8 the law with respect to its subject matter among states that enact
9 it.

10 Sec. 8. This article modifies, limits, and supersedes the
11 Electronic Signatures in Global and National Commerce Act, 15
12 U.S.C. 7001 et seq., but does not modify, limit, or supersede Section
13 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic
14 delivery of any of the notices described in Section 103(b) of that
15 act, 15 U.S.C. 7003(b).

