

## CHAPTER 66

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**COURTS**

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**HOUSE BILL 94-1254**

BY REPRESENTATIVES Hernandez, Epps, and June;  
also SENATORS Schaffer, Mutzebaugh, and Norton.

**AN ACT**

**CONCERNING THE ADMISSIBILITY OF ELECTRONIC RECORDS UNDER THE "UNIFORM PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC RECORDS AS EVIDENCE ACT".**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 13-26-102, Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**13-26-102. Business and public records as evidence.** If any business, institution, or member of a profession or calling or any department or agency of government in the regular course of business or activity keeps or records any memorandum, writing, entry, print, or representation, or combination thereof, of any act, transaction, occurrence, or event and in the regular course of business has caused any of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, OPTICAL DISK, OR OTHER FORM OF MASS STORAGE, ELECTRONIC IMAGING, ELECTRONIC DATA PROCESSING, ELECTRONICALLY TRANSMITTED FACSIMILE, PRINTOUT, OR OTHER REPRODUCTION OF ELECTRONICALLY STORED DATA, or other process which accurately reproduces or forms a durable medium for reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not, and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement, or facsimile does not preclude admission of the original. This shall not be construed to exclude from evidence any document or copy thereof which is otherwise admissible under the rules of evidence.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2. Effective date.** This act shall take effect July 1, 1994.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 29, 1994