

1
2 INTRODUCED BY Beck Senate BILL NO. 239

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "BANK RECORDS" AND "ELECTRONIC STORAGE";
5 REQUIRING THAT CERTAIN ELECTRONICALLY STORED INFORMATION BE TREATED AS AN ORIGINAL
6 RECORD; AND AMENDING SECTION 32-1-492, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 32-1-492, MCA, is amended to read:

11 **"32-1-492. Definitions -- ~~Reproduction~~ reproduction of bank records -- admissibility in evidence.**

12 (1) (a) For the purposes of this section, "bank records" includes any document, paper, letter, book, map,
13 photograph, sound or video recording, magnetic tape, electronic-storage medium, or other information-
14 recording medium used in a bank's normal course of business.

15 (b) (i) For the purposes of this section, "electronic storage" means the recording, storage, retention,
16 maintenance, and reproduction of documents using microfilm, microfiche, data processing, computers, or
17 other electronic process that correctly and legibly stores and reproduces documents.

18 (ii) A photographic, photostatic, miniature photographic copy, or reproduction of any kind, including
19 electronic or computer-generated data that has been electronically stored and is capable of being converted
20 into written form, must be considered an original record for all purposes and must be treated as an original
21 record in all courts and administrative agencies for the purposes of admissibility in evidence.

22 (iii) A facsimile, exemplification, or certified copy of any reproduction referred to in subsection
23 (1)(b)(ii) must, for all purposes, be considered a facsimile, exemplification, or certified copy of the original
24 record.

25 ~~(1)(2)~~ Banks are hereby authorized to make, at any time, photographic or photostatic copies or
26 microfilm reproductions of any records or documents, including photographic enlargements and prints of
27 microfilms, and to preserve, store, use, and employ the same be preserved, stored, used, and employed
28 in carrying on business.

29 ~~(2)(3)~~ In any action or proceedings in which any bank records may be called in question or be
30 demanded of any bank or any officer or employee thereof of the bank, a showing that such the records

1 have been destroyed in the regular course of business ~~shall be~~ is a sufficient excuse for the failure to
2 produce ~~them~~ the records.

3 ~~(3)(4)~~ (4) Upon ~~such~~ the showing required in subsection (3), secondary evidence of the form, text, and
4 contents of the original records, including photostatic, photographic, or microfilm reproductions, ~~thereof~~
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8 ~~(4)(5)~~ (5) Any photostatic, photographic, or microfilm reproductions, ~~including enlargements of the~~
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