

ENROLLED SENATE
BILL NO. 91

By: Smith of the Senate

and

Gates of the House

An Act relating to courts; amending 20 O.S. 1991, Sections 1005 and 1007, which relate to destruction of court records; allowing preservation of certain records on optical disk or other storage media; providing for destruction by court clerk of certain records recorded on optical disk or other storage media; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 20 O.S. 1991, Section 1005, is amended to read as follows:

Section 1005. A. The chief judge of a district court may authorize the court clerk to dispose of the judicial records enumerated in this subsection by first offering all or part of said records to the Archives and Records Division of the Oklahoma Department of Libraries for preservation as historical research materials, and by destroying all those which are not accepted by the Division. The judicial records subject to disposal or destruction shall be:

1. All divorce cases in which there has been no activity for more than twenty (20) years;
2. Divorce cases that have been dismissed for more than one (1) year;
3. Actions brought for money judgment only in which a dismissal or release and satisfaction has been filed for more than five (5) years; and
4. Civil and criminal records of cases which have been finally adjudicated for more than ten (10) years.

B. The judicial records and the appearance docket books or sheets on which they are entered, prior to their disposal or destruction, shall be ~~microfilmed~~ stored on at least two microfilm records, optical disks or other appropriate medium, one of which shall be placed in the Archives and Records Division of the Oklahoma Department of Libraries or in a bank or other appropriate local depository and the other shall be available for public use in the court clerk's office. The copy in the Department of Libraries or other depository shall be available for replacement in case of functional failure of the one available for public use. The cost of ~~microfilm, microfilm equipment, and viewerscopes~~ the storage medium and equipment for viewing and copying shall be paid out of the court fund, upon approval by the Chief Justice of the Supreme Court. ~~Microfilm records of the court files disposed of,~~ optical disk and other media produced pursuant to the provisions of this section

shall be received in evidence and have the same legal efficacy as the original ~~would have had~~.

~~B. C.~~ The court clerk of each district court shall destroy the judicial records of traffic cases and the appearance docket books or sheets on which they are entered, when said cases have been finally adjudicated for more than five (5) years, except in the case of a conviction for driving under the influence of intoxicating liquor or any narcotic drug.

~~C. D.~~ The court clerk of each district court shall destroy the judicial records of justice of the peace courts including docket books on which they are entered; small claims cases including the docket books and sheets on which they are entered, when said cases have been finally adjudicated for more than five (5) years, or after a period of five (5) years shall have elapsed since any pleading has been filed or action taken in said case.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 1007, is amended to read as follows:

Section 1007. The court clerk in each county in Oklahoma is hereby authorized to destroy or sell for salvage the documents mentioned herein which have been on file or stored in his office for a period longer than the time specified below:

1. One (1) year. All marriage health certificates.
2. Two (2) years. All instruments relating to beer and pool hall licenses including the applications, affidavits of residence, orders for hearing, notices of hearing, affidavits of posting and mailing and duplicate beer license.
3. Five (5) years. All duplicate receipts, duplicate vouchers, mechanics' and materialmen's lien records, duplicate deposit tickets, jury lists, juror and witness certificates, court clerk's liens, court fund claims, jury and bailiff records, monthly reports, statutory bonds, cost bonds, paid claims, procedural bonds, court assignments, and court calendars including disposition docket books containing entries which have been posted to the case file docket sheet or computer printed docket sheet, appearance bonds and search warrants in instances where no charges are filed, purchase orders, and court minutes.
4. Ten (10) years. All ~~microfilmed~~ records of traffic cases preserved on microfilm, optical disk or other storage media.

SECTION 3. This act shall become effective September 1, 1993.
Passed the Senate the 17th day of February, 1993.

President of the Senate

Passed the House of Representatives the 12th day of April, 1993.

Speaker of the House of Representatives