

SHORT TITLE: Court records; clarifying and changing time periods for destruction of certain court records; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 525

By: Smith

AS INTRODUCED

An Act relating to court records; amending 20 O.S. 1991, Sections 1005, as amended by Section 1, Chapter 87, O.S.L. 1993, 1006, and 1008 (20 O.S. Supp. 1994, Section 1005), which relate to destruction of court records; authorizing court clerk to destroy certain records under certain circumstances; defining term; clarifying and changing time periods for destruction of certain court records; allowing destruction of certain court reporter notes after certain time period; providing for codification; 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, as amended by Section 1, Chapter 87, O.S.L. 1993 (20 O.S. Supp. 1994, Section 1005), is amended to read as follows:

Section 1005. A. ~~The~~ Unless there is an objection by the chief judge of ~~a~~ the district court ~~may authorize the court clerk,~~ the court clerk is authorized to dispose of the judicial records enumerated in this subsection by first offering all or part of ~~said~~ the 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~~ domestic relations cases after a twenty-year period has elapsed since any pleading has been filed or any action taken in the case. Domestic relations cases shall include, but not be limited to, cases filed concerning divorce, separate maintenance, annulment, reciprocal actions for enforcement of support, child custody, domestic abuse, foreign judgments in domestic relations cases, income assignments relating to an order of support, paternity, appeal on administrative order relating to support or paternity, habeas corpus relating to children, and other domestic-related filings;

2. ~~Divorce~~ Domestic relations cases that have been dismissed and no pleading has been filed or any action taken in the case 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 adjudicated cases ~~which have been finally adjudicated for more than ten (10) years~~ after a ten-year period has elapsed since any pleading has been filed or any action taken in the case.

B. The judicial records and the appearance docket books or sheets on which they are entered, prior to their disposal or destruction, shall be 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 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 reproduced from microfilm, 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.

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~~ after a five-year period has elapsed since any pleading has been filed or any action taken in the case, except in the case of a conviction for driving under the influence of intoxicating liquor or any narcotic drug.

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 five-year period of five (5) years shall have~~ has elapsed since any pleading has been filed or any action taken in ~~said~~ the case.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 1006, is amended to read as follows:

Section 1006. ~~The~~ Unless there is an objection by the chief judge of ~~a the~~ district court ~~may direct the clerk of the district court,~~ the court clerk is authorized to destroy all exhibits in all ~~divorce~~ domestic relations cases in which there has been no activity for more than ~~twenty-two (22)~~ twenty (20) years, and exhibits in all other civil cases in which there has been no activity for more than ten (10) years. ~~Such~~ The chief judge may direct a court reporter to destroy a court reporter's notes in ~~divorce~~ domestic relations cases in which there has been no activity for ~~twenty-two (22)~~ twenty (20)

years, in all other civil and criminal cases in which there has been no activity for more than ten (10) years, and in misdemeanor cases in which there has been no activity for more than five (5) years. ~~Provided that no~~ No pleadings or judgments shall be destroyed under the provisions hereof.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 1008, is amended to read as follows:

Section 1008. In each county of ~~the~~ this state, the court clerk is hereby authorized to destroy, from time to time, depositions taken in all civil cases, except adoptions, ~~that have been finally terminated for ten (10) years~~ after a ten-year period, and depositions taken in domestic relations cases may be destroyed after a twenty-year period has elapsed since any pleading has been filed or any action taken in the case.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1010 of Title 20, unless there is created a duplication in numbering, reads as follows:

A court reporter's notes may be destroyed by a person lawfully in possession of the notes after a five-year period has elapsed following the death of the court reporter.

SECTION 5. This act shall become effective November 1, 1995.

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