

1 process, any officer may rely upon computerized lists or other
2 electronic data provided by the Administrative Office of the Courts
3 or its OCIS/OSCN system. For purposes of determining the time
4 periods in this chapter, the officer may disregard entries or
5 actions taken in the subject cases, such as accounting, internal
6 electronic data or other nonjudicial entries. The judicial records
7 subject to disposal or destruction shall be:

8 1. Domestic relations cases. This shall include, but not be
9 limited to, cases filed concerning divorce, separate maintenance,
10 annulment, reciprocal actions for enforcement of support, child
11 custody, domestic abuse, foreign judgments in domestic relations
12 cases, income assignments relating to an order of support,
13 paternity, appeal on administrative order relating to support or
14 paternity, habeas corpus relating to children, and other domestic-
15 related filings:

16 a. domestic relations cases that have been dismissed and
17 no pleading has been filed or any action taken in the
18 case for more than one (1) year, and

19 b. all domestic relations cases after a twenty-year
20 period has elapsed since any pleading has been filed
21 or any action taken in the case;

22 2. Probate cases. This shall include, but not be limited to,
23 cases filed concerning the probating of estates, guardianships,

1 conservatorships, protective services to the elderly, powers of
2 attorney, and trusts:

3 a. probate cases that have been dismissed and no pleading
4 has been filed or any action taken in the case for
5 more than one (1) year, and

6 b. all probate cases after a twenty-year period has
7 elapsed since any pleading has been filed or any
8 action taken in the case;

9 3. Actions brought for money judgment only in which a dismissal
10 or release and satisfaction has been filed for more than ~~five (5)~~
11 years one (1) year;

12 4. Civil (CJ and CS) records of ~~unadjudicated cases and~~
13 ~~adjudicated~~ cases:

14 a. civil (CJ and CS) cases that have been dismissed and
15 no pleading has been filed or any action taken in the
16 case for more than one (1) year, and

17 b. all ~~adjudicated~~ other civil (CJ and CS) cases after a
18 ten- year period has elapsed since any pleading has
19 been filed or any action taken in the case;

20 5. Felony criminal records of unadjudicated cases and
21 adjudicated cases:

- 1 a. felony criminal cases that have been dismissed and no
2 pleading or any action taken in the case for more than
3 one (1) year,
4 b. felony criminal records of adjudicated cases after a
5 ten-year period has elapsed since any pleading has
6 been filed or any action taken in the case, and
7 c. felony criminal records of adjudicated cases, where
8 the sentence imposed was death, life without parole,
9 or life, after a fifty-year period has elapsed since
10 any pleading has been filed or any action taken in the
11 case;

12 6. Misdemeanor records of unadjudicated cases and adjudicated
13 cases:

- 14 a. misdemeanor cases that have been dismissed and no
15 pleading or any action taken in the case for more than
16 one (1) year,
17 b. misdemeanor records of adjudicated cases after a five-
18 year period has elapsed since any pleading has been
19 filed or any action taken in the case; and

20 7. Juvenile cases. This shall include, but not be limited to,
21 cases filed concerning delinquents, children in need of supervision,
22 deprived children, children in need of treatment, children in need
23 of shelter, and other related juvenile filings:

- 1 a. juvenile cases that have been dismissed and no
2 pleading has been filed or any action taken in the
3 case for more than one (1) year, and
4 b. all juvenile cases after a twenty-year period has
5 elapsed since any pleading has been filed or any
6 action taken in the case.

7 B. The judicial records and the appearance docket books or
8 sheets on which they are entered, prior to their disposal or
9 destruction, shall be stored on at least two microfilm records,
10 optical disks, or other appropriate medium, one of which shall be
11 placed in the Archives and Records Division of the Oklahoma
12 Department of Libraries or in a bank or other appropriate local
13 depository and the other shall be available for public use in the
14 court clerk's office. The copy in the Department of Libraries or
15 other depository shall be available for replacement in case of
16 functional failure of the one available for public use. The cost of
17 the storage medium and equipment for viewing and copying shall be
18 paid out of the court fund, upon approval by the Chief Justice of
19 the Supreme Court. Records reproduced from microfilm, optical disk,
20 and other media produced pursuant to the provisions of this section
21 shall be received in evidence and have the same legal efficacy as
22 the original.

1 C. Traffic cases. The court clerk of each district court shall
2 destroy the judicial records of traffic cases and the appearance
3 docket books or sheets on which they are entered after a five-year
4 period has elapsed since any pleading has been filed or any action
5 taken in the case, except in the case of a conviction for driving
6 under the influence of intoxicating liquor or any narcotic drug,
7 which records shall be destroyed after a ten-year period has elapsed
8 since any pleading has been filed or any action taken in the case.

9 D. Records of criminal property cases brought pursuant to
10 ~~Sections~~ Section 1321 et seq. of Title 22 of the Oklahoma Statutes
11 shall be subject to disposal or destruction after a two-year period
12 has elapsed since any pleading has been filed or any action taken in
13 the case.

14 SECTION 2. This act shall become effective November 1, 2005.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-15-05 - DO
16 PASS, As Coauthored.