

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1625

By: Kidd

6 AS INTRODUCED

7 An Act relating to court records; amending 20 O.S.  
8 2011, Section 1005, which relates to destruction of  
9 court records; modifying time periods for destruction  
10 of records of certain cases; and providing an  
11 effective date.

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

13 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1005, is  
14 amended to read as follows:

15 Section 1005. A. Unless there is an objection by the presiding  
16 administrative judge or the chief judge of the district court, the  
17 court clerk is authorized to dispose of the judicial records  
18 enumerated in this subsection by first offering all or part of the  
19 records to the Archives and Records Division of the Oklahoma  
20 Department of Libraries for preservation as historical research  
21 materials, and by destroying all those which are not accepted by the  
22 Division. Nothing shall prohibit the presiding administrative judge  
23 or the chief judge of the district court from entering an order for  
24 the destruction of records prior to the time limits enumerated in

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

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

- 17 a. domestic relations cases that have been dismissed and  
18 no pleading has been filed or any action taken in the  
19 case for more than one (1) year, ~~and~~  
20 b. all domestic relations cases in which a minor child is  
21 involved after a twenty-year period has elapsed since  
22 any pleading has been filed or any action taken in the  
23 case, and

1           c. all domestic relations cases in which no minor child  
2           is involved after a ten-year period has elapsed since  
3           any pleading has been filed or any action taken in the  
4           case;

5           2. Probate cases. This shall include, but not be limited to,  
6 cases filed concerning the probating of estates, guardianships,  
7 conservatorships, protective services to the elderly, powers of  
8 attorney, and trusts:

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

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

15           3. Actions brought for money judgment only in which a dismissal  
16 or release and satisfaction has been filed for more than one (1)  
17 year;

18           4. Civil (CJ ~~and~~, CS and CV) records of cases:

19           a. civil (CJ ~~and~~, CS and CV) cases that have been  
20           dismissed and no pleading has been filed or any action  
21           taken in the case for more than one (1) year, and

22           b. all other civil (CJ ~~and~~, CS and CV) cases after a ten-  
23           year period has elapsed since any pleading has been  
24           filed or any action taken in the case;

1        5. Felony criminal records of unadjudicated cases and  
2 adjudicated cases:

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

14        6. Misdemeanor records of unadjudicated cases and adjudicated  
15 cases:

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

22        7. Juvenile cases. This shall include, but not be limited to,  
23 cases filed concerning delinquents, children in need of supervision,  
24

1 deprived children, children in need of treatment, children in need  
2 of shelter, and other related juvenile filings:

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

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

9 B. The judicial records and the appearance docket books or  
10 sheets on which they are entered, prior to their disposal or  
11 destruction, shall be stored on at least two microfilm records,  
12 optical ~~disks~~ discs, or other appropriate medium, one of which shall  
13 be placed in the Archives and Records Division of the Oklahoma  
14 Department of Libraries or in a bank or other appropriate local  
15 depository and the other shall be available for public use in the  
16 court clerk's office. The copy in the Department of Libraries or  
17 other depository shall be available for replacement in case of  
18 functional failure of the one available for public use. The cost of  
19 the storage medium and equipment for viewing and copying shall be  
20 paid out of the court fund, upon approval by the Chief Justice of  
21 the Supreme Court. Records reproduced from microfilm, optical ~~disk~~  
22 disc, and other media produced pursuant to the provisions of this  
23 section shall be received in evidence and have the same legal  
24 efficacy as 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 Section 1321 et seq. of Title 22 of the Oklahoma Statutes shall be  
11 subject to disposal or destruction after a two-year period has  
12 elapsed since any pleading has been filed or any action taken in the  
13 case.

14 E. Protective orders of unadjudicated cases and adjudicated  
15 cases:

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

19 2. Protective order cases after a ten-year period has elapsed  
20 since the protective order was issued.

21 SECTION 2. This act shall become effective November 1, 2020.

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