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February 19, 2021

SENATE BILL NO. 677

By: Kidd of the Senate

and

Osburn of the House

An Act relating to court records; amending 20 O.S. 2011, Sections 1005 and 1008, which relate to destruction of court records and depositions; modifying time periods for destruction of records of certain cases; modifying requirements for storage of certain records; authorizing payment of certain costs from Court Clerk's Records Management and Preservation Fund; modifying time periods for destruction of depositions from certain cases; and providing an effective date.

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

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

Section 1005. A. Unless there is an objection by the presiding administrative judge or the chief judge of the district court, the court clerk is authorized to dispose of the judicial records enumerated in this subsection ~~by first offering all or part of 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~~

1 ~~Division~~. Nothing shall prohibit the presiding administrative judge
2 or the chief judge of the district court from entering an order for
3 the destruction of records prior to the time limits enumerated in
4 this subsection for good cause shown. In the record destruction
5 process, any officer may rely upon computerized lists or other
6 electronic data provided by the Administrative Office of the Courts
7 or its OCIS/OSCN system. For purposes of determining the time
8 periods in this chapter, the officer may disregard entries or
9 actions taken in the subject cases, such as accounting, internal
10 electronic data or other nonjudicial entries. The judicial records
11 subject to disposal or destruction shall be:

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

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

23 b. all domestic relations cases in which a minor child is
24 involved after a twenty-year period has elapsed since

1 any pleading has been filed or any action taken in the
2 case, and

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

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

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

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

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

20 4. Civil ~~(CJ and CS)~~ records of cases:

21 a. civil ~~(CJ and CS)~~ cases that have been dismissed and
22 no pleading has been filed or any action taken in the
23 case for more than one (1) year, and
24

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

4 5. Felony criminal records of unadjudicated cases and
5 adjudicated cases:

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

17 6. Misdemeanor records of unadjudicated cases and adjudicated
18 cases:

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

1 7. Juvenile cases. This shall include, but not be limited to,
2 cases filed concerning delinquents, children in need of supervision,
3 deprived children, children in need of treatment, children in need
4 of shelter, and other related juvenile filings:

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

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

11 8. Protective orders:

12 a. protective order cases that have been dismissed and no
13 pleading has been filed or any action taken in the
14 case for more than one (1) year, and

15 b. protective order cases after a ten-year period has
16 elapsed since the protective order was issued.

17 B. The judicial records and the appearance docket books or
18 sheets on which they are entered, prior to their disposal or
19 destruction, shall be stored on at least two microfilm records,
20 optical ~~disks,~~ discs or other appropriate medium, ~~one of which shall~~
21 ~~be placed in the Archives and Records Division of the Oklahoma~~
22 ~~Department of Libraries or in a bank or other appropriate local~~
23 ~~depository and the other shall be available for public use in the~~
24 ~~court clerk's office. The copy in the Department of Libraries or~~

1 ~~other depository shall be available for replacement in case of~~
2 ~~functional failure of the one available for public use.~~ The cost of
3 the storage medium and equipment for viewing and copying shall be
4 paid out of the court fund, upon approval by the Chief Justice of
5 the Supreme Court or the Court Clerk's Records Management and
6 Preservation Fund created pursuant to Section 31.3 of Title 28 of
7 the Oklahoma Statutes. Records reproduced from microfilm, optical
8 ~~disk~~ disc, and other media produced pursuant to the provisions of
9 this section shall be received in evidence and have the same legal
10 efficacy as the original.

11 C. Traffic cases. The court clerk of each district court shall
12 destroy the judicial records of traffic cases and the appearance
13 docket books or sheets on which they are entered after a five-year
14 period has elapsed since any pleading has been filed or any action
15 taken in the case, except in the case of a conviction for driving
16 under the influence of intoxicating liquor or any narcotic drug,
17 which records shall be destroyed after a ten-year period has elapsed
18 since any pleading has been filed or any action taken in the case.

19 D. Records of criminal property cases brought pursuant to
20 Section 1321 et seq. of Title 22 of the Oklahoma Statutes shall be
21 subject to disposal or destruction after a two-year period has
22 elapsed since any pleading has been filed or any action taken in the
23 case.

24

1 SECTION 2. AMENDATORY 20 O.S. 2011, Section 1008, is
2 amended to read as follows:

3 Section 1008. In each county of this state, the court clerk is
4 hereby authorized to destroy, from time to time, depositions taken
5 in all civil cases and domestic cases in which no minor child is
6 involved, except adoptions, after a ten-year period, and depositions
7 taken in domestic relations cases in which a minor child is involved
8 may be destroyed after a twenty-year period has elapsed since any
9 pleading has been filed or any action taken in the case.

10 SECTION 3. This act shall become effective November 1, 2021.

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
12 February 19, 2021 - DO PASS
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