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FILED MAR 2 1988

SENATE FILE 2258
BY COMMITTEE ON JUDICIARY
(Approved (p. 581))
(formerly 55B 2214)

Passed Senate, Date 3/10/88 (p. 738) Passed House, Date 3/25/88 (p. 1075)
Vote: Ayes 46 Nays 0 Vote: Ayes 90 Nays 0
Approved April 4, 1988

A BILL FOR

1 An Act relating to the destruction and retention of court
2 reporters' notes and certified transcripts in civil and
3 criminal proceedings.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
SENATE FILE 2258

S-5218

1 Amend Senate File 2258 as follows:
2 1. Page 1, by inserting after line 25, the
3 following:
4 "NEW PARAGRAPH. i. Court files, as provided by
5 rules prescribed by the supreme court, ten years after
6 final disposition in civil cases, or ten years after
7 expiration of all sentences in criminal cases. For
8 purposes of this paragraph, "purging" means the
9 removal and destruction of documents in the court file
10 which have no legal, administrative, or historical
11 value. Purging shall be done without reproduction of
12 the removed documents. For purposes of this
13 paragraph, "civil cases" does not include divorce,
14 dissolution of marriage, child support, or paternity
15 cases, or juvenile, mental health, probate, or
16 adoption proceedings."

S- 5218
Filed March 3, 1988
Adopted 3/10 (p. 738)

BY RICHARD VARN

1 Section 1. Section 602.8103, subsection 4, paragraph a,
2 Code 1987, is amended to read as follows:

3 a. Records including, but not limited to, dockets,
4 journals, scrapbooks, and files ~~including court reporters'~~
5 notes, forty years after final disposition of the case.
6 However, judgments, decrees, stipulations, records in criminal
7 proceedings, probate records, and orders of court shall not be
8 destroyed unless they have been reproduced as provided in
9 subsection 2.

10 Sec. 2. Section 602.8103, subsection 4, Code 1987, is
11 amended by adding the following new paragraphs:

12 NEW PARAGRAPH. g. Court reporters' notes and certified
13 transcripts of those notes in civil cases, ten years after
14 final disposition of the case. For purposes of this section,
15 "final disposition" means one year after dismissal of the
16 case, after judgment or decree without appeal, or after
17 procedendo or dismissal of appeal is filed in cases where
18 appeal is taken.

19 NEW PARAGRAPH. h. Court reporters' notes and certified
20 transcripts of those notes in criminal cases, ten years after
21 dismissal of all charges, or ten years after the expiration of
22 all sentences imposed or the date probation is granted,
23 whichever later occurs. For purposes of this subsection
24 "sentences imposed" include all sentencing options pursuant to
25 section 901.5.

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EXPLANATION

27 This bill provides that court reporters' notes and
28 transcripts may be destroyed ten years after final disposition
29 of a case or after dismissal of all charges or expiration of
30 all sentences. Current law provides that these notes may not
31 be destroyed until forty years after final disposition of the
32 case. Dockets are not to be destroyed until after they are
33 reproduced as provided under subsection 2 of section 602.8103.

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SUCCESSOR TO SSB 2214 (LSB 8271SC)

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20 transcripts of those notes in criminal cases, ten years after
21 dismissal of all charges, or ten years after the expiration of
22 all sentences imposed or the date probation is granted,
23 whichever later occurs. For purposes of this subsection
24 "sentences imposed" include all sentencing options pursuant to
25 section 901.5.

26 NEW PARAGRAPH. i. Court files, as provided by rules
27 prescribed by the supreme court, ten years after final
28 disposition in civil cases, or ten years after expiration of
29 all sentences in criminal cases. For purposes of this
30 paragraph, "purging" means the removal and destruction of
31 documents in the court file which have no legal,
32 administrative, or historical value. Purging shall be done
33 without reproduction of the removed documents. For purposes
34 of this paragraph, "civil cases" does not include divorce,
35 dissolution of marriage, child support, or paternity cases, or

1 juvenile, mental health, probate, or adoption proceedings.

2 SUCCESSOR TO SSB 2214 (LSB 8271SC)

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SSB 2214

JUDICIARY: Varn, Chair; Doyle and Hester

VARN, CH.
DOYLE
HESTER

SSB 2214
JUDICIARY
Now

SENATE FILE 2258
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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30 all sentences. Current law provides that these notes may not
31 be destroyed until forty years after final disposition of the
32 case. Dockets are not to be destroyed until after they are
33 reproduced as provided under subsection 2 of section 602.8103.

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SENATE FILE 2258

AN ACT

RELATING TO THE DESTRUCTION AND RETENTION OF COURT REPORTERS' NOTES AND CERTIFIED TRANSCRIPTS IN CIVIL AND CRIMINAL PROCEEDINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 602.8103, subsection 4, paragraph a, Code 1987, is amended to read as follows:

a. Records including, but not limited to, dockets, journals, scrapbooks, and files including court reporters' notes, forty years after final disposition of the case. However, judgments, decrees, stipulations, records in criminal proceedings, probate records, and orders of court shall not be destroyed unless they have been reproduced as provided in subsection 2.

Sec. 2. Section 602.8103, subsection 4, Code 1987, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. Court reporters' notes and certified transcripts of those notes in civil cases, ten years after final disposition of the case. For purposes of this section, "final disposition" means one year after dismissal of the case, after judgment or decree without appeal, or after procedendo or dismissal of appeal is filed in cases where appeal is taken.

NEW PARAGRAPH. h. Court reporters' notes and certified transcripts of those notes in criminal cases, ten years after dismissal of all charges, or ten years after the expiration of all sentences imposed or the date probation is granted, whichever later occurs. For purposes of this subsection "sentences imposed" include all sentencing options pursuant to section 901.5.

NEW PARAGRAPH. i. Court files, as provided by rules prescribed by the supreme court, ten years after final disposition in civil cases, or ten years after expiration of all sentences in criminal cases. For purposes of this paragraph, "purging" means the removal and destruction of documents in the court file which have no legal, administrative, or historical value. Purging shall be done without reproduction of the removed documents. For purposes of this paragraph, "civil cases" does not include divorce, dissolution of marriage, child support, or paternity cases, or juvenile, mental health, probate, or adoption proceedings.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2258, Seventy-second General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved *April 4*, 1988

TERRY E. BRANSTAD
Governor

SF 2258