

February 19, 1969

SENATE FILE 276

Passed on File

*Judiciary 2-27, Pass 3-18
Hear " 4-8, Pass 4-22*

By LODWICK, O'MALLEY,
NEU and GLENN

Passed Senate, Date *4-7-69* Passed House, Date *5-12-69*

Vote: Ayes *46* Nays *0* Vote: Ayes *86* Nays *0*

Approved

*Passed Senate as amended
by House 5-22; 36-0*

A BILL FOR

1 An Act relating to court records.

2 *Be It Enacted by the General Assembly of the State of Iowa:*

3 Section 1. The clerk of the district court may reproduce
4 original records of the court by any reasonably permanent
5 legible means including, but not limited to, reproduction
6 by photographing, photostating, microfilming, and computer
7 cards, with proper indexing of such reproduction. When said
8 records have been so reproduced, such reproduction shall have
9 the same authenticity, force, and effect as the original
10 record.

11 Sec. 2. After the clerk has reproduced the original
12 records, as authorized in section one (1) of this Act, and
13 upon the application of the clerk, a majority of the judges
14 of the district court may order the clerk to destroy the orig-
15 inal records on file ten years or more, including, but not
16 limited to, dockets, journals, scrapbooks, files, and marriage
17 license applications. Any order of the court authorizing de-
18 struction of any of the records referred to in this Act shall
19 state what records are to be destroyed.

20 Sec. 3. The following may be destroyed by the clerk with-
21 out prior court order or reproduction of any kind:

22 1. All records including, but not limited to, dockets,
23 journals, scrapbooks, and files including court reporters'
24 notes, forty years after final disposition of the case. How-
25 ever, judgments, decrees, stipulations, records in criminal

1 proceedings, probate records, and orders of court shall not
2 be destroyed unless they have been reproduced as provided in
3 section one (1) of this Act.

4 2. All administrative records, after five years, includ-
5 ing, but not limited to, warrants, subpoenas, clerks' cer-
6 tificates, statements, praecipes, and depositions.

EXPLANATION OF SENATE FILE 276

The proposed bill relating to court records is permissive rather than mandatory in nature. The bill permits the clerk of court to reproduce all the original records by any reasonably permanent legible means and provides that when the records have been so reproduced, they shall have the same authenticity as the original records.

The bill further provides that after the reproduction of the original records, a majority of the judges of the district court, upon application of the clerk, may order the original records destroyed after ten years.

The clerk may, without prior order of court, destroy certain records after forty years; however, judgments, decrees, and orders of court shall not be destroyed unless they have been reproduced and administrative records may be destroyed after five years.

Courthouses today are overcrowded and additional space is being rented or rooms built to house the voluminous records. The above bill will make record keeping more efficient and economical.

There will be no loss of information contained in the records, because the reproduction of the court records will be retained by the clerk.

FISCAL NOTE

Date prepared February 19, 1969.

Requested by: Senator Lodwick.

Prepared in regard to a bill for an act relating to court records.

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 47: No estimate.

Note: The value of any savings resulting from this bill can be determined only by a comprehensive study of the present filing systems and space requirements of the several district courts.

GARY D. RANKIN
Legislative Fiscal Director

1 Amend Senate File 276, page two (2), by adding the
2 following new section:
3 "Sec. 4. For the purposes of this Act, "destruction"
4 shall include the transmission of such articles as
5 referred to in the Act, which are of general historical
6 interest, to any recognized historical society or
7 association."

Senate concurred 5-22

1 Amend Senate File 276, page 2, by adding the following
2 new section:
3 "Sec. 4. For the purposes of this Act, "destruction" shall
4 include the transmission of such articles as referred to
5 in the Act, which are of general historical interest, to
6 any recognized historical society or association."

Filed
May 8, 1969

Adopted 5-12

KLEIN of Winnebago-Worth
SHEPHERD of Lee
HUFF of Polk
VAN ROEKEL of Marion
