

HOUSE JUDGE LAW
DO PASS 4-10-89 (P. 441)

FILED MAR 17 1989

SENATE FILE 491
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 364)

Passed Senate, Date 3-22-89 (P. 963) Passed House, Date 4-14-89 (P. 516)
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 0
Approved May 15, 1989

A BILL FOR

1 An Act relating to the destruction of the contents of an original
2 court file.

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

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SF 491

1 Section 1. Section 602.8103, subsection 3, Code 1989, is
2 amended to read as follows:

3 3. After the original record is reproduced and after
4 approval of a majority of the judges of the district court by
5 court order, destroy the original records including, but not
6 limited to, dockets, journals, scrapbooks, files, and marriage
7 license applications. The order shall state the specific
8 records which are to be destroyed. An original court file
9 shall not be destroyed until ~~after ten years from the date a~~
10 ~~decree or judgment entry is signed and entered of record and~~
11 ~~after the contents have been reproduced, but if the matter is~~
12 ~~dismissed with prejudice before judgment or decree, the~~
13 ~~original file may be destroyed one year from the date of the~~
14 ~~dismissal and after its reproduction is authorized and~~
15 ~~completed as provided in this subsection.~~ As used in this
16 subsection and subsection 4, "destroy" includes the
17 transmission of the original records which are of general
18 historical interest to any recognized historical society or
19 association.

20 EXPLANATION

21 This bill provides that the clerk of the district court may
22 destroy an original court file after the contents have been
23 reproduced and strikes language which currently requires the
24 clerk to wait for ten years from the date the decree or
25 judgment is entered.

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DOYLE, CH.
VARN
GENTLEMAN

SSB 364
JUDICIARY
SENATE FILE 491
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

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

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7 license applications. The order shall state the specific
8 records which are to be destroyed. An original court file
9 shall not be destroyed until ~~after-ten-years-from-the-date-a~~
10 ~~decree-or-judgment-entry-is-signed-and-entered-of-record-and~~
11 after the contents have been reproduced, ~~but-if-the-matter-is~~
12 ~~dismissed-with-prejudice-before-judgment-or-decree,~~ the
13 ~~original-file-may-be-destroyed-one-year-from-the-date-of-the~~
14 ~~dismissal-and-after-its-reproduction-is-authorized-and~~
15 ~~completed-as-provided-in-this-subsection.~~ As used in this
16 subsection and subsection 4, "destroy" includes the
17 transmission of the original records which are of general
18 historical interest to any recognized historical society or
19 association.

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EXPLANATION

21 This bill provides that the clerk of the district court may
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SENATE FILE 491

.....
JO ANN ZIMMERMAN
President of the Senate

AN ACT

RELATING TO THE DESTRUCTION OF THE CONTENTS OF AN ORIGINAL COURT FILE.

.....
DONALD D. AVENSON
Speaker of the House

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

I hereby certify that this bill originated in the Senate and is known as Senate File 491, Seventy-third General Assembly.

Section 1. Section 602.8103, subsection 3, Code 1989, is amended to read as follows:

.....
JOHN F. DWYER
Secretary of the Senate

Approved May 15, 1989

3. After the original record is reproduced and after approval of a majority of the judges of the district court by court order, destroy the original records including, but not limited to, dockets, journals, scrapbooks, files, and marriage license applications. The order shall state the specific records which are to be destroyed. An original court file shall not be destroyed until ~~after ten years from the date a decree or judgment entry is signed and entered of record and after the contents have been reproduced but if the matter is dismissed with prejudice before judgment or decree the original file may be destroyed one year from the date of the dismissal and after its reproduction is authorized and completed as provided in this subsection.~~ As used in this subsection and subsection 4, "destroy" includes the transmission of the original records which are of general

.....
TERRY E. BRANSTAD
Governor

SF 491