

*Substituted by SF 2405*  
*3-21-96 (p.915)*

MAR 5 1996  
Place On Calendar

HOUSE FILE **2431**  
BY COMMITTEE ON JUDICIARY

**WITHDRAWN**  
*3-21-96*  
*(p.915)*

(SUCCESSOR TO HSB 576)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the duties of the clerk of court concerning  
2 court records.

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

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WITHDRAWN

*HF 2431*

1 Section 1. Section 236.5, subsection 5, Code Supplement  
2 1995, is amended to read as follows:

3 5. A certified copy of any order or approved consent  
4 agreement shall be issued to the plaintiff, the defendant and  
5 the county sheriff having jurisdiction to enforce the order or  
6 consent agreement, and the twenty-four hour dispatcher for the  
7 county sheriff. Any subsequent amendment or revocation of an  
8 order or consent agreement shall be forwarded by the clerk to  
9 all individuals and the county sheriff previously notified.

10 The clerk shall notify the county sheriff and the twenty-four  
11 hour dispatcher for the county sheriff in writing so that the  
12 county sheriff and the county sheriff's dispatcher receive  
13 written notice within six hours of filing the order, approved  
14 consent agreement, amendment, or revocation. The clerk may  
15 fulfill this requirement by sending the notice by facsimile or  
16 other electronic transmission which reproduces the notice in  
17 writing within six hours of filing the order. The county  
18 sheriff's dispatcher shall notify all law enforcement agencies  
19 having jurisdiction over the matter and the twenty-four hour  
20 dispatcher for the law enforcement agencies upon notification  
21 by the clerk. ~~The clerk shall send or deliver a written copy~~  
22 ~~of any such document to the law enforcement agencies and the~~  
23 ~~twenty-four-hour dispatcher within twenty-four hours of filing~~  
24 ~~the document.~~

25 Sec. 2. Section 602.8103, subsection 2, Code 1995, is  
26 amended to read as follows:

27 2. Reproduce original records of the court by any  
28 reasonably permanent legible means including, but not limited  
29 to, reproduction by photographing, photostating, microfilming,  
30 and computer cards, and electronic digital format. The  
31 reproduction shall include proper indexing. The reproduced  
32 record has the same authenticity as the original record. The  
33 supreme court shall adopt rules to provide for continued  
34 evaluation of the accessibility of records stored or  
35 reproduced in electronic digital format.

1 Sec. 3. Section 602.8103, subsection 4, paragraph c, Code  
2 1995, is amended to read as follows:

3 c. Records, dockets, and court files of civil and criminal  
4 actions heard in the municipal court which were transferred to  
5 the clerk, other than juvenile and adoption proceedings, or  
6 heard in justice of the peace proceedings, after a period of  
7 twenty years from the date of filing of the actions.

8 Sec. 4. Section 602.8103, subsection 4, Code 1995, is  
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. j. Court reporters' notes and certified  
11 transcripts of those notes in mental health hearings under  
12 section 229.12 and substance abuse hearings under section  
13 125.82, ninety days after respondent has been discharged from  
14 involuntary custody.

15 EXPLANATION

16 This bill provides that copies of orders entered in civil  
17 domestic abuse cases can be distributed without the copies  
18 being certified. The bill also eliminates the requirement  
19 that the clerk of court deliver a written copy of these orders  
20 to all law enforcement agencies, and their 24-hour dispatcher,  
21 having jurisdiction over the matter. The clerk is still  
22 required to electronically notify the county sheriff and the  
23 sheriff's 24-hour dispatcher in writing.

24 The bill also provides for the inclusion of electronic  
25 digital formatting to the list of authorized methods of  
26 reproducing court records. The supreme court is required to  
27 adopt rules to monitor the accessibility of these electronic  
28 records.

29 The bill also permits the clerks of court to dispose of  
30 justice of the peace records and to dispose of court reporter  
31 notes and transcripts for mental health and substance abuse  
32 proceedings.

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Lamberti  
Harrison  
Holveck

HSB 576

JUDICIARY

Succeeded By

SENATE/HOUSE FILE # 2431  
BY (PROPOSED JUDICIAL DEPARTMENT  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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33 BACKGROUND STATEMENT

34 SUBMITTED BY THE AGENCY

35 The purpose of this bill is to help reduce the workload of

1 the clerks of court, to cut down on the amount of paper  
2 generated, to allow the courts to take advantage of imaging  
3 technology for reproducing records, and to help reduce the  
4 number of old records kept by the courts.

5 Section 1 relates to copies of orders entered in civil  
6 domestic abuse cases. The first change allows distribution of  
7 copies that are not certified. Certification of orders takes  
8 a lot of time. Time and effort will be saved if the  
9 certification requirement is eliminated.

10 The second change cuts down on the number of copies sent to  
11 law enforcement. Currently, the clerk is required to send  
12 written copy within 24 hours of filing to all applicable law  
13 enforcement agencies and the 24-hour dispatcher. This can be  
14 a cumbersome job because in some areas many law enforcement  
15 agencies have jurisdiction. As a practical manner, all law  
16 enforcement agencies must call the 24-hour dispatcher to  
17 confirm if a protection order is filed. Therefore, it would  
18 make sense to have the clerk only be responsible for sending  
19 copies to the county sheriff and the 24-hour dispatcher.

20 Section 2 would add electronic disc imaging to the list of  
21 authorized methods of reproducing court records. The  
22 requirement for rules to evaluate and monitor accessibility is  
23 to ensure continued access to imaged documents in the event  
24 imaging is no longer viable as technology changes.

25 The section 3 amendment would allow the clerks of court to  
26 dispose of the old justice and the peace records as they do  
27 with old municipal court records.

28 Section 4 authorizes the destruction of court reporters'  
29 notes and transcripts for mental health and substance abuse  
30 proceedings which are no longer active cases.

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