

# House Study Bill 576

## Conference Committee Text

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1 1 Section 1. Section 236.5, subsection 5, Code Supplement  
1 2 1995, is amended to read as follows:  
1 3 5. A

~~certified~~

- copy of any order or approved consent

1 4 agreement shall be issued to the plaintiff, the defendant and  
1 5 the county sheriff having jurisdiction to enforce the order or  
1 6 consent agreement, and the twenty-four hour dispatcher for the  
1 7 county sheriff. Any subsequent amendment or revocation of an  
1 8 order or consent agreement shall be forwarded by the clerk to  
1 9 all individuals and the county sheriff previously notified.  
1 10 The clerk shall notify the county sheriff and the twenty-four  
1 11 hour dispatcher for the county sheriff in writing so that the  
1 12 county sheriff and the county sheriff's dispatcher receive  
1 13 written notice within six hours of filing the order, approved  
1 14 consent agreement, amendment, or revocation. The clerk may  
1 15 fulfill this requirement by sending the notice by facsimile or  
1 16 other electronic transmission which reproduces the notice in  
1 17 writing within six hours of filing the order. The county  
1 18 sheriff's dispatcher shall notify all law enforcement agencies  
1 19 having jurisdiction over the matter and the twenty-four hour  
1 20 dispatcher for the law enforcement agencies upon notification  
1 21 by the clerk.

~~The clerk shall send or deliver a written copy~~

1 22

~~of any such document to the law enforcement agencies and the~~

1 23

~~twenty four hour dispatcher within twenty four hours of filing~~

1 24

~~the document.~~

1 25 Sec. 2. Section [602.8103](#), subsection 2, Code 1995, is  
1 26 amended to read as follows:

1 27 2. Reproduce original records of the court by any  
1 28 reasonably permanent legible means including, but not limited  
1 29 to, reproduction by photographing, photostating, microfilming,  
1 30

~~and~~

- computer cards, and electronic digital format. The  
1 31 reproduction shall include proper indexing. The reproduced  
1 32 record has the same authenticity as the original record. The  
1 33 supreme court shall adopt rules to provide for continued  
1 34 evaluation of the accessibility of records stored or  
1 35 reproduced in electronic digital format.

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

2 3 c. Records, dockets, and court files of civil and criminal

2 4 actions heard in the municipal court which were transferred to  
2 5 the clerk, other than juvenile and adoption proceedings, or  
2 6 heard in justice of the peace proceedings, after a period of  
2 7 twenty years from the date of filing of the actions.

2 8 Sec. 4. Section [602.8103](#), subsection 4, Code 1995, is  
2 9 amended by adding the following new paragraph:

2 10 NEW PARAGRAPH. j. Court reporters' notes and certified  
2 11 transcripts of those notes in mental health hearings under  
2 12 section 229.12 and substance abuse hearings under section  
2 13 125.82, ninety days after respondent has been discharged from  
2 14 involuntary custody.

2 15 EXPLANATION

2 16 This bill provides that copies of orders entered in civil  
2 17 domestic abuse cases can be distributed without the copies  
2 18 being certified. The bill also eliminates the requirement  
2 19 that the clerk of court deliver a written copy of these orders  
2 20 to all law enforcement agencies, and their 24-hour dispatcher,  
2 21 having jurisdiction over the matter. The clerk is still  
2 22 required to electronically notify the county sheriff and the  
2 23 sheriff's 24-hour dispatcher in writing.

2 24 The bill also provides for the inclusion of electronic  
2 25 digital formatting to the list of authorized methods of  
2 26 reproducing court records. The supreme court is required to  
2 27 adopt rules to monitor the accessibility of these electronic  
2 28 records.

2 29 The bill also permits the clerks of court to dispose of  
2 30 justice of the peace records and to dispose of court reporter  
2 31 notes and transcripts for mental health and substance abuse  
2 32 proceedings.

2 33 BACKGROUND STATEMENT

2 34 SUBMITTED BY THE AGENCY

2 35 The purpose of this bill is to help reduce the workload of  
3 1 the clerks of court, to cut down on the amount of paper  
3 2 generated, to allow the courts to take advantage of imaging  
3 3 technology for reproducing records, and to help reduce the  
3 4 number of old records kept by the courts.

3 5 Section 1 relates to copies of orders entered in civil  
3 6 domestic abuse cases. The first change allows distribution of  
3 7 copies that are not certified. Certification of orders takes  
3 8 a lot of time. Time and effort will be saved if the  
3 9 certification requirement is eliminated.

3 10 The second change cuts down on the number of copies sent to  
3 11 law enforcement. Currently, the clerk is required to send  
3 12 written copy within 24 hours of filing to all applicable law  
3 13 enforcement agencies and the 24-hour dispatcher. This can be  
3 14 a cumbersome job because in some areas many law enforcement  
3 15 agencies have jurisdiction. As a practical manner, all law  
3 16 enforcement agencies must call the 24-hour dispatcher to  
3 17 confirm if a protection order is filed. Therefore, it would  
3 18 make sense to have the clerk only be responsible for sending  
3 19 copies to the county sheriff and the 24-hour dispatcher.

3 20 Section 2 would add electronic disc imaging to the list of  
3 21 authorized methods of reproducing court records. The  
3 22 requirement for rules to evaluate and monitor accessibility is  
3 23 to ensure continued access to imaged documents in the event  
3 24 imaging is no longer viable as technology changes.

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

3 28 Section 4 authorizes the destruction of court reporters'  
3 29 notes and transcripts for mental health and substance abuse  
3 30 proceedings which are no longer active cases.

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3 32 ec/cf/24