

Substituted for HF 2431
3-21-96 (P. 914)

FILED MAR 4 1996

SENATE FILE 2405
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2252)

(P. 710) Passed Senate, Date 3-11-96 (P. 914) Passed House, Date 3-21-96
Vote: Ayes 47 Nays 2 Vote: Ayes 96 Nays 0
Approved March 29, 1996

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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S.F. 2405

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.

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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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Boettger
Giannetta
Vilsack
Neuhauser
McKean

SSB- 2252

Judiciary

Succeeded L,
(SF) HF 2405

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL DEPARTMENT
BILL)

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

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BACKGROUND STATEMENT

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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SENATE FILE 2405

AN ACT

RELATING TO THE DUTIES OF THE CLERK OF COURT CONCERNING COURT RECORDS.

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125.82, ninety days after respondent has been discharged from involuntary custody.

LEONARD L. BOSWELL

President of the Senate

RON J. CORBETT

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2405, Seventy-sixth General Assembly.

JOHN F. DWYER

Secretary of the Senate

Approved March 29, 1996

TERRY E. BRANSTAD

Governor