

SENATE BILL No. 880

April 29, 1992, Introduced by Senators CISKY, DUNASKISS, EMMONS, VAN REGENMORTER and GAST and referred to the Committee on Technology and Energy.

A bill to amend sections 2136, 2137, 2138, 2146, 2147, 2148, 2917, and 8344 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

section 2137 as amended by Act No. 308 of the Public Acts of 1986, section 2917 as amended by Act No. 50 of the Public Acts of 1988, and section 8344 as amended by Act No. 43 of the Public Acts of 1984, being sections 600.2136, 600.2137, 600.2138, 600.2146, 600.2147, 600.2148, 600.2917, and 600.8344 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2136, 2137, 2138, 2146, 2147, 2148,
2 2917, and 8344 of Act No. 236 of the Public Acts of 1961, section
3 2137 as amended by Act No. 308 of the Public Acts of 1986,
4 section 2917 as amended by Act No. 50 of the Public Acts of 1988,

1 and section 8344 as amended by Act No. 43 of the Public Acts of
2 1984, being sections 600.2136, 600.2137, 600.2138, 600.2146,
3 600.2147, 600.2148, 600.2917, and 600.8344 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 2136. (1) ~~Any copy of the records, books or papers~~ A
6 COPY OF A RECORD, BOOK, OR PAPER belonging to or in the custody
7 of ~~any~~ A public, college, or university library, or ~~of any~~ AN
8 incorporated library society, ~~when~~ IF accompanied by a sworn
9 statement by the librarian or other ~~officer or~~ person in charge
10 ~~thereof~~ OF THE RECORD, BOOK, OR PAPER, that the ~~same~~ COPY is
11 a true copy of the original ~~record, book or paper~~ in his OR HER
12 custody, ~~shall be~~ IS admissible as evidence in ~~all courts and~~
13 ~~proceedings~~ A COURT OR PROCEEDING in like manner and to the same
14 extent as the original would be if produced.

15 (2) ~~Any photostat copy of the records, books, papers or~~
16 ~~documents~~ A REPRODUCTION OF A RECORD, BOOK, PAPER, OR DOCUMENT
17 belonging to or in the custody of ~~any~~ A public, college, or
18 university library, or ~~of any~~ AN incorporated library society,
19 ~~when~~ IN A MEDIUM PURSUANT TO THE RECORDS MEDIA ACT OR A REPRO-
20 Duction CONSISTING OF A PRINTOUT OR OTHER OUTPUT READABLE BY
21 SIGHT FROM SUCH A MEDIUM, IF accompanied by a sworn statement
22 made by the librarian or other ~~officer or~~ person in charge
23 ~~thereof~~ OF THE RECORD, BOOK, PAPER, OR DOCUMENT, stating that
24 the ~~copy~~ REPRODUCTION is made under his OR HER supervision or
25 that of a duly authorized representative, and that nothing has
26 been done to alter or change the original, ~~and~~ that the ~~same~~
27 ~~is a~~ REPRODUCTION IS true ~~photostat copy of~~ TO the original

1 ~~record, book, paper, or document~~ in his OR HER custody, ~~shall~~
2 ~~be~~ IS admissible as evidence in ~~all courts and proceedings~~ A
3 COURT OR PROCEEDING in like manner as the original would be if
4 produced.

5 (3) For making and certifying ~~such copies~~ A COPY UNDER
6 SUBSECTION (1), a fee of 25 cents ~~, and for~~ MAY BE CHARGED. FOR
7 making and certifying each ~~photostat copy~~ REPRODUCTION UNDER
8 SUBSECTION (2), a fee of \$1.00 ~~, may be charged.~~ IF THE REPRO-
9 Duction IS A PHOTOCOPY, THE FEE SHALL NOT EXCEED \$1.00 and a fur-
10 ther charge ~~may be made~~ of 10 cents per folio and 50 cents per
11 ~~photostat~~ sheet for ~~copies~~ PHOTOCOPIES actually made.

12 (4) ~~Anyone who shall certify~~ A PERSON WHO CERTIFIES
13 falsely ~~in regard to any of the foregoing copies shall be~~ UNDER
14 SUBSECTION (1) OR (2) IS guilty of a felony ~~and, upon conviction~~
15 ~~thereof in any court of competent jurisdiction, shall be subject~~
16 ~~to~~ PUNISHABLE BY the same ~~penalties~~ PENALTY provided by stat-
17 ute for perjury.

18 Sec. 2137. (1) If a public officer ~~has photographed,~~
19 ~~microphotographed, or filmed all or any part of the~~ REPRODUCES
20 court records kept by him or her PURSUANT TO THE RECORDS MEDIA
21 ACT, ~~in a manner and on film or paper that complies with the~~
22 ~~minimum standards of quality approved for photographic records by~~
23 ~~the microfilm laboratory of the department of management and~~
24 ~~budget and published in the Michigan administrative code, and the~~
25 ~~photographs, microphotographs, or films are placed in conven-~~
26 ~~iently accessible files and provisions made for preserving,~~
27 ~~examining, and using the same,~~ the officer may offer the

1 original records ~~from which the photographs, microphotographs,~~
2 ~~or films have been made, or any part thereof,~~ to the department
3 of state for placement in the state archives. If the department
4 of state accepts the offer within 30 days, the court shall trans-
5 fer the records to that department. If the department of state
6 does not accept the offer within 30 days, the court may dispose
7 of or destroy the records in ~~accordance with~~ THE MANNER PRO-
8 VIDED FOR STATE AGENCIES UNDER sections 285 and 287 of the man-
9 agement and budget act, Act No. 431 of the Public Acts of 1984,
10 being sections 18.1285 and 18.1287 of the Michigan Compiled Laws,
11 and section 5 of Act No. 271 of the Public Acts of 1913, as
12 amended, being section 399.5 of the Michigan Compiled Laws. The
13 record of a court shall not be disposed of or destroyed until the
14 record has been in the custody of the court for ~~at least~~ NOT
15 LESS THAN 6 years.

16 (2) In ~~all counties~~ A COUNTY OR PROBATE COURT DISTRICT in
17 which the county board OR BOARDS of commissioners ~~makes provi-~~
18 ~~sions for the microphotographing of~~ PASS A RESOLUTION OR RESOLU-
19 TIONS FOR REPRODUCING records PURSUANT TO THE RECORDS MEDIA ACT,
20 the judge of probate may cause the records of the probate court
21 to be ~~microphotographed~~ SO REPRODUCED. The judge of probate
22 shall cause a copy or a duplicate ~~film~~ to be kept in a building
23 outside of the probate office and shall keep a copy available in
24 the probate office with ANY suitable equipment NECESSARY for dis-
25 playing the ~~filmed~~ record ~~by projection to~~ AT not less than
26 its original size or for preparing copies for persons entitled to
27 ~~the same~~ COPIES. The judge of probate then may order ~~any~~ A

1 record destroyed. A ~~microphotograph or photo copy of a~~
2 ~~microphotograph shall be~~ REPRODUCTION IN A MEDIUM PURSUANT TO
3 THE RECORDS MEDIA ACT OR A REPRODUCTION CONSISTING OF A PRINTOUT
4 OR OTHER OUTPUT READABLE BY SIGHT FROM SUCH A MEDIUM IS admissi-
5 ble as evidence before a court, commission, or administrative
6 body the same as the original. The original ~~files~~ FILE of AN
7 estate ~~proceedings~~ PROCEEDING shall not be destroyed until 6
8 years have elapsed from the date of filing of the discharge of
9 the fiduciary or 10 years have elapsed from the filing of the
10 last document, whichever date occurs first.

11 (3) A court of record other than the district court may
12 order the destruction of A court reporter or recorder ~~notes,~~
13 ~~tapes, and recordings~~ NOTE, TAPE, OR RECORDING 15 years after
14 the date that the note, tape, or recording was made for ~~all~~ A
15 felony ~~cases~~ CASE and 10 years after the date that the note,
16 tape, or recording was made for ~~all~~ ANY other ~~cases~~ CASE.
17 ~~The~~ ONE YEAR AFTER A TRANSCRIPT OF A NOTE, TAPE, OR RECORDING
18 IS FILED WITH THE COURT, THE court may order the destruction of
19 ~~notes, tapes, and recordings which have been transcribed and~~
20 ~~filed with the court 1 year after the date of the filing of the~~
21 ~~transcript~~ THE NOTE, TAPE, OR RECORDING. If a transcript of a
22 trial or other proceeding in a court of record other than the
23 district court is ordered other than for filing in the case file,
24 the court reporter or recorder also shall prepare and shall file
25 a certified copy of the transcript in the case file at the
26 expense of the person ordering the transcript unless a copy has
27 been filed with the court or unless the chief judge of the court

1 orders otherwise in an order filed in the case file. As used in
2 this subsection, "felony case" does not include proceedings in a
3 case that occur before arraignment on information or indictment
4 ~~—~~ or PROCEEDINGS in a case in which the defendant is not con-
5 victed of a felony.

6 (4) Except as provided in subsection (3), a judicial circuit
7 of the circuit court may order the destruction of its files and
8 records in ~~any~~ A case in which action has not been taken during
9 the 25 years immediately preceding the order of destruction.
10 ~~The~~ ALL OF THE following procedures shall ~~apply prior to~~ BE
11 FOLLOWED BEFORE the issuance of an order of destruction of cir-
12 cuit court files and records:

13 (a) The judgment or decree, if any, ~~in each case~~ shall be
14 ~~microfilmed~~ REPRODUCED PURSUANT TO THE RECORDS MEDIA ACT, or
15 separated and retained, and THE ORIGINAL OR REPRODUCTION SHALL BE
16 made available for public inspection.

17 (b) The circuit court shall offer the files and records,
18 subject to the order of destruction, to the Michigan historical
19 commission established by Act No. 271 of the Public Acts of 1913,
20 as amended, being sections 399.1 to 399.9 of the Michigan
21 Compiled Laws, or an historical commission created pursuant to
22 Act No. 213 of the Public Acts of 1957, as amended, being sec-
23 tions 399.171 ~~and~~ TO 399.172 of the Michigan Compiled Laws. If
24 the historical commission accepts the offer within 30 days, the
25 circuit court shall transfer the files and records to the histor-
26 ical commission. If the historical commission does not accept

1 the offer within 30 days, the circuit court shall issue an order
2 of destruction.

3 (5) ~~Photographs, microphotographs, or films~~ A REPRODUCTION
4 of a record ~~photographed, microphotographed, or filmed,~~ IN A
5 MEDIUM PURSUANT TO THE RECORDS MEDIA ACT OR A REPRODUCTION CON-
6 SISTING OF A PRINTOUT OR OTHER OUTPUT READABLE BY SIGHT FROM SUCH
7 A MEDIUM, MADE as provided by ~~this or any other~~ law, ~~shall~~
8 ~~have~~ HAS the same force and effect as the ~~originals thereof~~
9 ORIGINAL would have had ~~—~~ and shall be treated as ~~originals~~
10 AN ORIGINAL for the purpose of ~~their~~ admissibility in
11 evidence. ~~Duly~~ A DULY certified or authenticated ~~copies~~ COPY
12 of the ~~photographs, microphotographs, or films~~ REPRODUCTION
13 shall be admitted into evidence equally with the original
14 ~~photographs, microphotographs, or films~~ REPRODUCTION.

15 Sec. 2138. (1) ~~Whenever any~~ IF A public officer perform-
16 ing duties under this act is required or authorized by law to
17 record, copy, recopy, or replace ~~any~~ A document, plat, paper,
18 written instrument, or book ~~—~~ on file or of record in his OR
19 HER office, ~~he~~ THE OFFICER may do so ~~by photostatic, photo-~~
20 ~~graphic, microphotographic, microfilm or other mechanical process~~
21 ~~which produces a clear, accurate and permanent copy or reproduc-~~
22 ~~tion of the original document, plat, paper, written instrument or~~
23 ~~record, in accordance with the latest standards approved for per-~~
24 ~~manent records by the microfilm laboratory of the department of~~
25 ~~administration and published in the administrative code~~ PURSUANT
26 TO THE RECORDS MEDIA ACT.

1 (2) ~~In any case where~~ IF an original document, plat,
2 paper, written instrument, record, or book of record ~~—~~
3 ~~previously~~ filed or of record in the office of ~~such~~ AN officer
4 DESCRIBED IN SUBSECTION (1) is ~~—, whether because of the worn or~~
5 ~~injured condition thereof or for any other reason,~~ copied or
6 replaced ~~by such process~~ PURSUANT TO SUBSECTION (1), and ~~where~~
7 ~~such~~ THE officer is required by law to certify in or on the
8 ~~paper or book replacing the original so copied that the~~
9 ~~replacement~~ COPY OR REPLACEMENT THAT IT is a true and correct
10 copy of the original, a copy of ~~such~~ THE certification by
11 ~~such~~ THE officer, similarly made ~~and produced~~ and included at
12 the end of the COPY OR replacement, ~~shall be sufficient compli-~~
13 ~~ance with such laws~~ COMPLIES WITH THE LAW.

14 (3) ~~Copies, records, reproductions and replacements, or~~
15 ~~enlarged reproductions thereof, thus~~ IF produced under this or
16 any other law, ~~shall be~~ A COPY, RECORD, REPRODUCTION, OR
17 REPLACEMENT OR AN ENLARGED REPRODUCTION OF ANY OF THESE IS con-
18 sidered ~~as~~ AN original ~~copies, records, papers or books of~~
19 ~~record,~~ for all purposes and ~~shall be~~ IS admissible in evi-
20 dence in like manner ~~and under the same conditions~~ as THE
21 original. ~~copies, records, papers or books of record, produced~~
22 ~~or copied in any other manner authorized by law.~~

23 (4) ~~Transcripts or certified copies of such copies,~~
24 ~~records, reproductions and replacements, shall be~~ A TRANSCRIPT
25 OR CERTIFIED COPY OF A REPRODUCTION DESCRIBED IN SUBSECTION (3)
26 IS considered ~~as transcripts or certified copies of the~~
27 ~~originals~~ A TRANSCRIPT OR CERTIFIED COPY OF THE ORIGINAL.

1 (5) ~~In any case where any~~ IF A record or replacement
 2 ~~thereof~~ OF A RECORD in the office of ~~any such~~ AN officer
 3 DESCRIBED IN SUBSECTION (1) is produced ~~by such process, any~~
 4 PURSUANT TO THIS SECTION, A correction, alteration, indorsement,
 5 or entry, required or authorized to be made of or on ~~any~~ AN
 6 instrument or paper or on the record ~~thereof~~ OF THE INSTRUMENT
 7 OR PAPER, may be made by filing or inserting ~~copies or recopies~~
 8 A COPY OR RECOPY, produced by the same process, of the ~~pages,~~
 9 page or part of the page, so corrected ~~—~~ OR altered ~~—~~ or on
 10 which such indorsement or entry is made, next to the place
 11 ~~wherein~~ WHERE the copy or record of ~~such~~ THE instrument or
 12 paper is contained or in such other manner as ~~such~~ THE officer
 13 ~~shall deem~~ CONSIDERS advisable or practicable.

14 Sec. 2146. ~~Any~~ A writing or record, whether in the form
 15 of an entry in a book or otherwise, made as a memorandum of ~~any~~
 16 AN act, transaction, occurrence, or event ~~shall be~~ IS admissi-
 17 ble in evidence in ~~all trials, hearings and proceedings in any~~
 18 ~~cause or suit in any court,~~ A PROCEEDING IN A COURT or before
 19 ~~any~~ AN officer, ~~arbitrators, or referees,~~ ARBITRATOR, OR
 20 REFEREE in proof of ~~said~~ THE act, transaction, occurrence, or
 21 event if it was made in the regular course of ~~any~~ business and
 22 it was the regular course of ~~such~~ business to make such A memo-
 23 randum ~~or record~~ at the time of, ~~such~~ OR WITHIN A REASONABLE
 24 TIME AFTER, THE act, transaction, occurrence, or event. ~~or~~
 25 ~~within a reasonable time thereafter. All other~~ OTHER circum-
 26 stances of the making of ~~such~~ THE writing or record, including
 27 lack of personal knowledge by the entrant or maker, may be shown

1 to affect its weight but not its admissibility. The term
2 "business" ~~shall include~~ INCLUDES A business, profession, occu-
3 pation, ~~and~~ OR calling of ~~every~~ ANY kind. The lack of an
4 entry regarding ~~any~~ AN act, transaction, occurrence, or event
5 in ~~any~~ A writing or record so proved may be received as evi-
6 dence that ~~no such~~ THE act, transaction, occurrence, or event
7 did NOT, in fact, take place. ~~Any photostatic or photographic~~
8 A reproduction of ~~any~~ such A writing or record ~~shall be~~ IS
9 admissible in evidence in ~~any such~~ A trial, hearing, or pro-
10 ceeding by order of the court, made within its discretion, upon
11 motion with notice of not less than 4 days. All circumstances of
12 the making of ~~such photostatic or photographic~~ THE reproduction
13 may be shown upon ~~such~~ THE trial, hearing, or proceeding to
14 affect the weight but not the admissibility of ~~such~~ THE
15 evidence.

16 Sec. 2147. Notwithstanding any law of this state to the
17 contrary, ~~any person~~ AN INDIVIDUAL, firm, association, or cor-
18 poration may introduce in evidence at ~~any~~ A trial or hearing
19 ~~of any kind,~~ before ~~any~~ A court, officer, arbiter, referee,
20 board, or tribunal, a ~~black and white or colored photographic,~~
21 ~~photostatic or microphotographic~~ reproduction of ~~any~~ A busi-
22 ness ~~records of such person~~ RECORD OF THE INDIVIDUAL or insti-
23 tution prepared or entered in THE regular course of business, the
24 original of which would be admissible in evidence, including
25 ~~all~~ AN existing ~~records~~ RECORD and including, but not by way
26 of limitation, ~~checks, bills, notes, acceptances and all other~~
27 ~~types of commercial instruments, pass books, deposit slips and~~

1 ~~statements~~ A CHECK, BILL, NOTE, ACCEPTANCE, OR OTHER TYPE OF
2 COMMERCIAL INSTRUMENT, PASSBOOK, DEPOSIT SLIP, OR STATEMENT fur-
3 nished to depositors, whether or not ~~such person~~ THE INDIVIDUAL
4 or institution regularly SO reproduces ~~as aforesaid~~ any or all
5 of such business records. ~~Any such~~ THE REPRODUCTION SHALL BE
6 IN A MEDIUM PURSUANT TO THE RECORDS MEDIA ACT OR CONSIST OF A
7 PRINTOUT OR OTHER OUTPUT READABLE BY SIGHT FROM SUCH A MEDIUM.
8 THE reproduction, if accompanied by the certificate of ~~such~~
9 ~~person~~ THE INDIVIDUAL or his OR HER employee or agent, or ~~by~~
10 OF the officer, agent, or employee of ~~any such~~ THE firm, asso-
11 ciation, or corporation who supervised the making of the repro-
12 duction to the effect that ~~such~~ THE reproduction when made was
13 a true, full, and complete reproduction of the original, shall be
14 received as evidence at ~~any such~~ THE trial or hearing with the
15 same force and effect as though the original document were
16 produced. ~~:- Provided, however, That~~ HOWEVER, the court, offi-
17 cer, arbiter, referee, board, or tribunal may in its discretion
18 require that the original document be produced in evidence, and
19 may also require the taking of testimony of the person who super-
20 vised the making of ~~such~~ THE reproduction. ~~Such~~ THE repro-
21 duction ~~shall be~~ IS admissible only if the party offering it
22 ~~shall have delivered~~ DELIVERS a copy of it, or OF so much
23 ~~thereof~~ OF IT as may relate to the controversy, to the adverse
24 party a reasonable time before trial, unless in the opinion of
25 the trial court, officer, arbiter, referee, board, or tribunal
26 the adverse party has not been unfairly surprised by the failure
27 to deliver ~~such~~ THE copy. ~~:- Provided, however, That no such~~

1 NEVERTHELESS, SUCH A reproduction need NOT be submitted to the
2 adverse party as herein prescribed unless the original instrument
3 would be required to be so submitted. If necessary, ~~such~~ THE
4 reproduction may be offered in evidence by the use of a projector
5 or other similar device. All circumstances surrounding the
6 making of ~~any such~~ THE reproduction may be shown upon ~~any~~ THE
7 trial, hearing, or proceeding for the purpose of affecting the
8 weight but not the admissibility of ~~such~~ THE evidence.

9 Sec. 2148. (1) ~~Any~~ A person, firm, or corporation engaged
10 in business may cause ~~any or all~~ records kept by ~~such~~ THE
11 business to be ~~recorded, copied, or~~ reproduced ~~by any photo-~~
12 ~~graphic, photostatic, microfilm, micro-card or miniature photo-~~
13 ~~graphic process which correctly and accurately copies, repro-~~
14 ~~duces, or forms a medium for copying or reproducing the original~~
15 ~~record on a film or other durable material~~ PURSUANT TO THE
16 RECORDS MEDIA ACT, and ~~such~~ THE business may ~~thereafter~~ THEN
17 dispose of the original record.

18 (2) ~~Any such photographic, photostatic, microfilm,~~
19 ~~micro-card or miniature photographic copy or~~ A reproduction
20 ~~shall be deemed~~ IN A MEDIUM PURSUANT TO THE RECORDS MEDIA ACT
21 UNDER SUBSECTION (1) OR A REPRODUCTION CONSISTING OF A PRINTOUT
22 OR OTHER OUTPUT READABLE BY SIGHT FROM SUCH A MEDIUM IS
23 CONSIDERED to be an original record for all purposes ~~—~~ and
24 shall be treated as an original record in ~~all courts~~ A COURT or
25 administrative ~~agencies~~ AGENCY for the purpose of its admissi-
26 bility in evidence. A facsimile, exemplification, enlargement,
27 or certified copy of ~~any such photographic copy or~~ SUCH A

1 reproduction, ~~shall,~~ for all purposes, ~~be deemed~~ IS
2 CONSIDERED a facsimile, exemplification, or certified copy of the
3 original record.

4 (3) For purposes of this section, "person" ~~shall mean and~~
5 ~~include any~~ MEANS AN individual, association, firm, partnership,
6 company, or corporation.

7 Sec. 2917. (1) In a civil action against a library or mer-
8 chant, an agent of the library or merchant, or an independent
9 contractor providing security for the library or merchant for
10 false imprisonment, unlawful arrest, assault, battery, libel, or
11 slander, if the claim ~~arose~~ ARISES out of conduct involving a
12 person suspected of removing or of attempting to remove, without
13 right or permission, goods held for sale in a store from the
14 store or library materials from a library, or of violating sec-
15 tion 356c or 356d of the Michigan penal code, Act No. 328 of the
16 Public Acts of 1931, being sections 750.356c and 750.356d of the
17 Michigan Compiled Laws, and if the merchant, library, ~~or~~ agent,
18 ~~of the merchant or library~~ OR INDEPENDENT CONTRACTOR had proba-
19 ble cause for believing and did believe that the plaintiff had
20 committed or aided or abetted in the larceny of goods held for
21 sale in the store, or of library materials, or in the violation
22 of section 356c or 356d of Act No. 328 of the Public Acts of
23 1931, damages for or resulting from mental anguish or punitive,
24 exemplary, or aggravated damages shall not be allowed a plain-
25 tiff, unless it is proved that the merchant, library, ~~or~~ agent,
26 ~~of the merchant or library~~ OR INDEPENDENT CONTRACTOR used
27 unreasonable force, detained THE plaintiff an unreasonable length

1 of time, acted with unreasonable disregard of THE plaintiff's
2 rights or sensibilities, or acted with intent to injure THE
3 plaintiff.

4 (2) As used in this section:

5 (a) "Library" includes a public library; a library of an
6 educational, historical, or eleemosynary institution or organi-
7 zation; a museum; an archive; and a repository of public records
8 ~~—~~ or historical records, or both.

9 (b) "Library material" includes a plate; picture; photo-
10 graph; engraving; painting; drawing; map; newspaper; book; maga-
11 zine; pamphlet; broadside; manuscript; document; letter; public
12 record; microfilm; sound recording; audiovisual material; mag-
13 netic or other tape; OPTICAL STORAGE DISC OR OTHER RECORDING
14 MEDIUM; electronic data processing record; artifact; and other
15 documentary, written, or printed material.

16 Sec. 8344. Except as provided in this section, not
17 ~~earlier~~ LESS than 6 years after the entry of a judgment in a
18 civil action, including a summary proceeding or a civil infrac-
19 tion action, or in an ordinance violation case or a criminal case
20 in the district court, the court may dispose of documents,
21 records, recordings, and notes related to that action, except the
22 ~~docket, in accordance with~~ REGISTER OF ACTIONS PURSUANT TO a
23 schedule adopted by the state administrative board. The court
24 may order the destruction of notes, tapes, and recordings ~~which~~
25 THAT have been transcribed and filed with the court 1 year after
26 the date of the filing of the transcript. The ~~docket~~ REGISTER
27 OF ACTIONS shall be in a form ~~which shall be~~ adequate to

1 reveal, in summary ~~form~~ FASHION, the general nature of the
2 action and judgment. ~~Thereafter~~ AFTER THE DISPOSAL OF THE DOC-
3 UMENTS, RECORDS, RECORDINGS, AND NOTES, the ~~docket~~ REGISTER OF
4 ACTIONS or a certified ~~microfilm copy or photographic~~ reproduc-
5 tion of the ~~docket shall be~~ REGISTER OF ACTIONS PURSUANT TO THE
6 RECORDS MEDIA ACT IS the official record of the action and
7 judgment. The validity and enforceability of a judgment are not
8 affected by ~~reason of~~ the destruction of the ~~physical~~ piece
9 of paper upon which the judgment ~~was~~ IS entered, but the
10 ~~docket~~ REGISTER OF ACTIONS itself, or a certified ~~microfilm~~
11 ~~copy or photographic~~ reproduction of the ~~docket~~ REGISTER OF
12 ACTIONS PURSUANT TO THE RECORDS MEDIA ACT, ~~shall be~~ IS a com-
13 plete replacement of the judgment and the records of the action.
14 This section ~~shall apply~~ APPLIES to judgments of municipal and
15 common pleas courts abolished after January 1, 1969, ~~where~~ IF
16 the judgment was entered or the action disposed of after January
17 1, 1969. This section ~~shall be applicable~~ APPLIES to actions
18 entered in the small claims division of the district court,
19 except that a ~~docket~~ REGISTER OF ACTIONS need not be preserved
20 or maintained after destruction of the file.

21 Section 2. This amendatory act shall not take effect unless
22 House Bill No. 4438
23 of the 86th Legislature is enacted into law.