

HOUSE BILL No. 4954

June 13, 2001, Introduced by Reps. McConico and Stewart and referred to the Committee on Commerce.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2137 (MCL 600.2137), as amended by 1992 PA
192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2137. (1) If a public officer reproduces court records
2 kept by him or her pursuant to the records media act, 1992 PA
3 116, MCL 24.401 TO 24.403, the officer may offer the original
4 records to the department of ~~state~~ HISTORY, ARTS, AND CULTURE
5 for placement in the state archives. If the department of
6 ~~state~~ HISTORY, ARTS, AND CULTURE accepts the offer within 30
7 days, the court shall transfer the records to that department.
8 If the department of ~~state~~ HISTORY, ARTS, AND CULTURE does not
9 accept the offer within 30 days, the court may dispose of or
10 destroy the records in the manner provided for state agencies

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1 under sections 285 and 287 of the management and budget act, ~~Act~~
2 ~~No. 431 of the Public Acts of 1984, being sections 18.1285 and~~
3 ~~18.1287 of the Michigan Compiled Laws~~ 1984 PA 431, MCL 18.1285
4 AND 18.1287, and section 5 of ~~Act No. 271 of the Public Acts of~~
5 ~~1913, as amended, being section 399.5 of the Michigan Compiled~~
6 ~~Laws~~ 1913 PA 271, MCL 399.5. The record of a court shall not be
7 disposed of or destroyed until the record has been in the custody
8 of the court for not less than 6 years.

9 (2) In a county or probate court district in which the
10 county board or boards of commissioners pass a resolution or res-
11 olutions for reproducing records pursuant to the records media
12 act, 1992 PA 116, MCL 24.401 TO 24.403, the judge of probate may
13 cause the records of the probate court to be so reproduced. The
14 judge of probate shall cause a copy or a duplicate to be kept in
15 a building outside of the probate office and shall keep a copy
16 available in the probate office with any suitable equipment nec-
17 essary for displaying the record at not less than its original
18 size or for preparing copies for persons entitled to copies. The
19 judge of probate then may order a record destroyed. A reproduc-
20 tion in a medium pursuant to the records media act, 1992 PA 116,
21 MCL 24.401 TO 24.403, or a reproduction consisting of a printout
22 or other output readable by sight from such a medium is admissi-
23 ble as evidence before a court, commission, or administrative
24 body the same as the original. The original file of an estate
25 proceeding shall not be destroyed until 6 years have elapsed from
26 the date of filing of the discharge of the fiduciary or 10 years

1 have elapsed from the filing of the last document, whichever date
2 occurs first.

3 (3) A court of record other than the district court may
4 order the destruction of a court reporter or recorder note, tape,
5 or recording 15 years after the date that the note, tape, or
6 recording was made for a felony case and 10 years after the date
7 that the note, tape, or recording was made for any other case.
8 One year after a transcript of a note, tape, or recording is
9 filed with the court, the court may order the destruction of the
10 note, tape, or recording. If a transcript of a trial or other
11 proceeding in a court of record other than the district court is
12 ordered other than for filing in the case file, the court
13 reporter or recorder also shall prepare and shall file a certi-
14 fied copy of the transcript in the case file at the expense of
15 the person ordering the transcript unless a copy has been filed
16 with the court or unless the chief judge of the court orders oth-
17 erwise in an order filed in the case file. As used in this sub-
18 section, "felony case" does not include proceedings in a case
19 that occur before arraignment on information or indictment or
20 proceedings in a case in which the defendant is not convicted of
21 a felony.

22 (4) Except as provided in subsection (3), a judicial circuit
23 of the circuit court may order the destruction of its files and
24 records in a case in which action has not been taken during the
25 25 years immediately preceding the order of destruction. All of
26 the following procedures shall be followed before the issuance of
27 an order of destruction of circuit court files and records:

1 (a) The judgment or decree, if any, shall be reproduced
2 pursuant to the records media act, 1992 PA 116, MCL 24.401 TO
3 24.403, or separated and retained, and the original or reproduc-
4 tion shall be made available for public inspection.

5 (b) The circuit court shall offer the files and records,
6 subject to the order of destruction, to the Michigan historical
7 commission established by ~~Act No. 271 of the Public Acts of~~
8 ~~1913, as amended, being sections 399.1 to 399.9 of the Michigan~~
9 ~~Compiled Laws~~ 1913 PA 271, MCL 399.1 TO 399.10, or ~~an~~ A his-
10 torical commission created pursuant to ~~Act No. 213 of the Public~~
11 ~~Acts of 1957, as amended, being sections 399.171 to 399.172 of~~
12 ~~the Michigan Compiled Laws~~ 1957 PA 213, MCL 399.171 TO 399.172.
13 If the historical commission accepts the offer within 30 days,
14 the circuit court shall transfer the files and records to the
15 historical commission. If the historical commission does not
16 accept the offer within 30 days, the circuit court shall issue an
17 order of destruction.

18 (5) A reproduction of a record in a medium pursuant to the
19 records media act, 1992 PA 116, MCL 24.401 TO 24.403, or a repro-
20 duction consisting of a printout or other output readable by
21 sight from such a medium, made as provided by law, has the same
22 force and effect as the original would have had and shall be
23 treated as an original for the purpose of admissibility in
24 evidence. A duly certified or authenticated copy of the repro-
25 duction shall be admitted into evidence equally with the original
26 reproduction.

1 Enacting section 1. This amendatory act does not take
2 effect unless Senate Bill No. _____ or House Bill No. 4941
3 (request no. 02873'01) of the 91st Legislature is enacted into
4 law.