

Act No. 76
Public Acts of 2001
Approved by the Governor
July 23, 2001
Filed with the Secretary of State
July 24, 2001
EFFECTIVE DATE: July 24, 2001

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. McConico and Stewart

ENROLLED HOUSE BILL No. 4954

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 2137 (MCL 600.2137), as amended by 1992 PA 192.

The People of the State of Michigan enact:

Sec. 2137. (1) If a public officer reproduces court records kept by him or her pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, the officer may offer the original records to the department of history, arts, and libraries for placement in the state archives. If the department of history, arts, and libraries accepts the offer within 30 days, the court shall transfer the records to that department. If the department of history, arts, and libraries does not accept the offer within 30 days, the court may dispose of or destroy the records in the manner provided for state agencies under sections 285 and 287 of the management and budget act, 1984 PA 431, MCL 18.1285 and 18.1287, and section 5 of 1913 PA 271, MCL 399.5. The record of a court shall not be disposed of or destroyed until the record has been in the custody of the court for not less than 6 years.

(2) In a county or probate court district in which the county board or boards of commissioners pass a resolution or resolutions for reproducing records pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, the judge of probate may cause the records of the probate court to be so reproduced. The judge of probate shall cause a copy or a duplicate to be kept in a building outside of the probate office and shall keep a copy available in the probate office with any suitable equipment necessary for displaying the record at not less than its original size or for preparing copies for persons entitled to copies. The judge of probate then may order a record destroyed. A reproduction in a medium pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, or a reproduction consisting of a printout or other output readable by sight from such a medium is admissible as evidence before a court, commission, or administrative body the same as the original. The original file of an estate proceeding shall not be destroyed until 6 years have elapsed from the date of filing of the discharge of the fiduciary or 10 years have elapsed from the filing of the last document, whichever date occurs first.

(3) A court of record other than the district court may order the destruction of a court reporter or recorder note, tape, or recording 15 years after the date that the note, tape, or recording was made for a felony case and 10 years after the date that the note, tape, or recording was made for any other case. One year after a transcript of a note, tape, or recording is filed with the court, the court may order the destruction of the note, tape, or recording. If a transcript of a trial or other proceeding in a court of record other than the district court is ordered other than for filing in the case

file, the court reporter or recorder also shall prepare and shall file a certified copy of the transcript in the case file at the expense of the person ordering the transcript unless a copy has been filed with the court or unless the chief judge of the court orders otherwise in an order filed in the case file. As used in this subsection, "felony case" does not include proceedings in a case that occur before arraignment on information or indictment or proceedings in a case in which the defendant is not convicted of a felony.

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

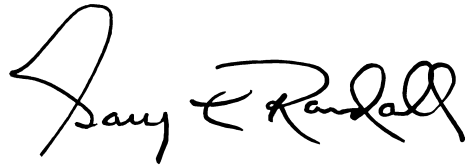
(a) The judgment or decree, if any, shall be reproduced pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, or separated and retained, and the original or reproduction shall be made available for public inspection.

(b) The circuit court shall offer the files and records, subject to the order of destruction, to the Michigan historical commission established by 1913 PA 271, MCL 399.1 to 399.10, or a historical commission created pursuant to 1957 PA 213, MCL 399.171 to 399.172. If the historical commission accepts the offer within 30 days, the circuit court shall transfer the files and records to the historical commission. If the historical commission does not accept the offer within 30 days, the circuit court shall issue an order of destruction.

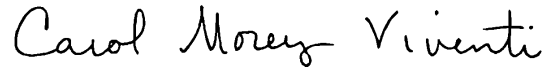
(5) A reproduction of a record in a medium pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, or a reproduction consisting of a printout or other output readable by sight from such a medium, made as provided by law, has the same force and effect as the original would have had and shall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

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4941 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.