

Act No. 199
Public Acts of 2013
Approved by the Governor
December 18, 2013
Filed with the Secretary of State
December 18, 2013
EFFECTIVE DATE: December 18, 2013

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Rep. Heise

ENROLLED HOUSE BILL No. 4064

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 the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; 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 sections 2137 and 8344 (MCL 600.2137 and 600.8344), section 2137 as amended by 2009 PA 239 and section 8344 as amended by 2005 PA 326, and by adding section 1428; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1428. (1) The state court administrative office shall establish and maintain records management policies and procedures for the courts, including a records retention and disposal schedule, in accordance with supreme court rules. The record retention and disposal schedule shall be developed and maintained as prescribed in section 5 of 1913 PA 271, MCL 399.5.

(2) Subject to the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, a court may dispose of any record as prescribed in subsection (1).

(3) A record, regardless of its medium, shall not be disposed of until the record has been in the custody of the court for the retention period established under subsection (1).

(4) As used in this section, “record” means information of any kind that is recorded in any manner and that has been created by a court or filed with a court in accordance with supreme court rules.

Sec. 2137. A reproduction in a medium under the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, 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 and 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 certified or authenticated copy of the reproduction shall be admitted into evidence equally with the original reproduction. This section only applies to records filed with the court and maintained by the court clerk or register.

Sec. 8344. The validity and enforceability of a judgment are not affected by the destruction of the piece of paper upon which the judgment is entered, but the register of actions itself, or a certified reproduction of the register of actions under the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, is a complete replacement of the judgment and the records of the action. This section applies to all of the following:

(a) Judgments of municipal and common pleas courts abolished after January 1, 1969, if the judgment was entered or the action disposed of after January 1, 1969.

(b) Actions entered in the small claims division of the district court, except that a register of actions is not required to be preserved or maintained after destruction of the file.

Enacting section 1. 1949 PA 66, MCL 780.221 to 780.225, is repealed.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4532 of the 97th 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

Compiler's note: House Bill No. 4532, referred to in enacting section 2, was filed with the Secretary of State December 18, 2013, and became 2013 PA 201, Imd. Eff. Dec. 18, 2013.