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BILL



ANALYSIS

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House Bill 4064 (Substitute S-3 as reported)
House Bill 4532 (Substitute S-1 as reported)
Sponsor: Representative Kurt Heise (H.B. 4064)
Representative Amanda Price (H.B. 4532)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 4064 (S-3) would amend the Revised Judicature Act to do the following:

- Require the State Court Administrative Office (SCAO) to establish and maintain record management policies and procedures for the courts, including a records retention and disposal schedule.
- Require the records retention and disposal schedule to be developed in accordance with Supreme Court rules, and developed and maintained according to the Michigan Historical Commission law.
- Allow a court to dispose of a record as prescribed above, subject to the Records Retention Act.
- Provide that a record, regardless of its medium, could not be disposed of unless it had been in the court's custody for the established retention period.
- Define "record" as 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.

The bill would delete requirements that currently regulate document and record destruction. The bill also would repeal Public Act 66 of 1949, which requires all files and papers, other than dockets and books of journal entry, that relate to prosecutions in a municipal court to be filed for certain periods of time.

House Bill 4532 (S-1) would amend the Revised Judicature Act to do the following:

- Require all writs, process, proceedings, and records in any court to be made out in the manner and on any medium authorized by Supreme Court rules.
- Allow an electronic signature on any document filed with or created by a court, subject to Supreme Court rules.
- Place responsibility with a probate court clerk for probate court record retention.
- Require probate courts to keep testimony index and notes as prescribed by Supreme Court rules.

The bills are tie-barred.

MCL 600.2137 et al. (H.B. 4064)
600.832 et al. (H.B. 4532)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Local courts could incur expenses associated with implementation of electronic record-keeping and electronic signatures on court documents as authorized under the bill. However, the information technology investments enabling these practices would not be solely attributable to the bill, as many of these information technology investments are already taking place independently of the bills.

Date Completed: 11-8-13

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.