

# HOUSE BILL No. 4414

March 12, 2013, Introduced by Reps. Lane, Price, Schor, Rutledge, Haugh, Forlini, Lipton, Victory and Oakes and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1426 and 1428; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 1426. (1) A COURT MAY CHARGE A REASONABLE FEE, AS  
2 ESTABLISHED BY THE SUPREME COURT, FOR PROVIDING ENHANCED ACCESS.

3           (2) A COURT MAY PROVIDE ENHANCED ACCESS IN ACCORDANCE WITH A  
4 WRITTEN AGREEMENT WITHOUT CHARGING A FEE TO ANOTHER COURT OR TO A  
5 PUBLIC AGENCY. A WRITTEN AGREEMENT UNDER THIS SUBSECTION SHALL  
6 CONTAIN ALL OF THE FOLLOWING:

7           (A) A STATEMENT SPECIFYING THAT THE COURT OR PUBLIC AGENCY  
8 RECEIVING ACCESS TO OR OUTPUT FROM THE SYSTEM WITHOUT CHARGE IS  
9 PROHIBITED FROM SELLING OR PROVIDING ACCESS TO THE SYSTEM'S OUTPUT

1 TO A THIRD PARTY, EXCEPT IN ACCORDANCE WITH THE WRITTEN AGREEMENT.

2 (B) A STATEMENT SPECIFYING THE PUBLIC PURPOSE FOR WHICH ACCESS  
3 TO OR OUTPUT FROM THE SYSTEM IS BEING PROVIDED.

4 (C) PROVISIONS REGARDING THE RETURN OF OUTPUT FROM THE SYSTEM.

5 (D) THE DURATION OF THE AGREEMENT AND THE METHOD BY WHICH THE  
6 AGREEMENT MAY BE RESCINDED OR TERMINATED BY EITHER PARTY BEFORE THE  
7 STATED DATE OF TERMINATION.

8 (3) BEFORE PROVIDING ENHANCED ACCESS, A COURT SHALL ADOPT AN  
9 ENHANCED ACCESS POLICY UNDER THE REQUIREMENTS PRESCRIBED BY THE  
10 SUPREME COURT.

11 (4) THIS SECTION DOES NOT REQUIRE A COURT TO PROVIDE ENHANCED  
12 ACCESS.

13 (5) AS USED IN THIS SECTION:

14 (A) "ENHANCED ACCESS" MEANS ACCESS TO A COURT THROUGH  
15 ELECTRONIC MEANS FOR PLEADINGS, PRACTICE, AND PROCEDURE, INCLUDING,  
16 BUT NOT LIMITED TO, ACCESS TO ITS CASE RECORDS AS PRESCRIBED BY  
17 SUPREME COURT RULES.

18 (B) "OPERATING EXPENSE" INCLUDES, BUT IS NOT LIMITED TO, A  
19 COURT'S DIRECT COST OF CREATING, MAINTAINING, PROCESSING, AND  
20 UPGRADING ACCESS TO THE COURT THROUGH ELECTRONIC MEANS, INCLUDING  
21 THE COST OF COMPUTER HARDWARE AND SOFTWARE, SYSTEM DEVELOPMENT,  
22 EMPLOYEE TIME, AND THE ACTUAL COST OF PROVIDING THE ACCESS.

23 (C) "REASONABLE FEE" MEANS A CHARGE CALCULATED TO ENABLE A  
24 COURT TO RECOVER OVER TIME THOSE OPERATING EXPENSES DIRECTLY  
25 RELATED TO THE COURT'S PROVISION OF ENHANCED ACCESS.

26 SEC. 1428. (1) THE STATE COURT ADMINISTRATIVE OFFICE SHALL  
27 ESTABLISH AND MAINTAIN RECORDS MANAGEMENT POLICIES AND PROCEDURES

1 FOR THE COURTS, INCLUDING A RECORDS RETENTION AND DISPOSAL  
2 SCHEDULE, IN ACCORDANCE WITH SUPREME COURT RULES. THE RECORD  
3 RETENTION AND DISPOSAL SCHEDULE SHALL BE DEVELOPED AND MAINTAINED  
4 AS PRESCRIBED IN SECTION 5 OF 1913 PA 271, MCL 399.5.

5 (2) SUBJECT TO THE RECORDS REPRODUCTION ACT, 1992 PA 116, MCL  
6 24.401 TO 24.406, A COURT MAY DISPOSE OF ANY RECORD AS PRESCRIBED  
7 IN SUBSECTION (1).

8 (3) A RECORD, REGARDLESS OF ITS MEDIUM, SHALL NOT BE DISPOSED  
9 OF UNTIL THE RECORD HAS BEEN IN THE CUSTODY OF THE COURT FOR THE  
10 RETENTION PERIOD ESTABLISHED UNDER SUBSECTION (1).

11 (4) A COURT MAY ASSESS A REASONABLE FEE ASSOCIATED WITH THE  
12 CREATION, REPRODUCTION, RETRIEVAL, AND RETENTION OF ITS RECORDS  
13 ONLY AS PRESCRIBED BY THE SUPREME COURT.

14 (5) AS USED IN THIS SECTION, "RECORD" MEANS INFORMATION OF ANY  
15 KIND THAT IS RECORDED IN ANY MANNER AND THAT HAS BEEN CREATED BY A  
16 COURT OR FILED WITH A COURT IN ACCORDANCE WITH SUPREME COURT RULES.

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

19 Enacting section 2. This amendatory act does not take effect  
20 unless all of the following bills of the 97th Legislature are  
21 enacted into law:

22 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4416 (request no.  
23 00298'13).

24 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4415 (request no.  
25 00299'13).

26 (c) Senate Bill No. \_\_\_\_ or House Bill No. 4412 (request no.  
27 00300'13).

1 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4413 (request no.  
2 00301'13).

3 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4417 (request no.  
4 00302'13).