

# HOUSE BILL No. 4413

March 12, 2013, Introduced by Reps. Rutledge, Price, Schor, Faris, Smiley, Talabi,  
Stallworth, Cavanagh, Lane, Lipton, Irwin, Zemke, MacGregor, Victory and Oakes and  
referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 2137 (MCL 600.2137), as amended by 2009 PA 239.

**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 reproduction act, 1992~~  
3 ~~PA 116, MCL 24.401 to 24.406, the officer may offer the original~~  
4 ~~records to the department or state agency responsible for~~  
5 ~~maintaining the state archives for placement in the state archives.~~  
6 ~~If the department or state agency responsible for maintaining the~~  
7 ~~state archives accepts the offer within 30 days, the court shall~~  
8 ~~transfer the records to that department or state agency. If the~~  
9 ~~department or state agency responsible for maintaining the state~~

1 ~~archives does not accept the offer within 30 days, the court may~~  
2 ~~dispose of or destroy the records in the manner provided for state~~  
3 ~~agencies under sections 285 and 287 of the management and budget~~  
4 ~~act, 1984 PA 431, MCL 18.1285 and 18.1287, and section 5 of 1913 PA~~  
5 ~~271, MCL 399.5. The record of a court shall not be disposed of or~~  
6 ~~destroyed until the record has been in the custody of the court for~~  
7 ~~not less than 6 years.~~

8 ~~—— (2) In a county or probate court district in which the county~~  
9 ~~board or boards of commissioners pass a resolution or resolutions~~  
10 ~~for reproducing records pursuant to the records reproduction act,~~  
11 ~~1992 PA 116, MCL 24.401 to 24.406, the judge of probate may have~~  
12 ~~the records of the probate court reproduced in accordance with the~~  
13 ~~resolution or resolutions. The judge of probate shall have a copy~~  
14 ~~or a duplicate kept in a building outside of the probate office and~~  
15 ~~shall keep a copy available in the probate office with any suitable~~  
16 ~~equipment necessary for displaying the record at not less than its~~  
17 ~~original size or for preparing copies for persons entitled to~~  
18 ~~copies. The judge of probate then may order a record destroyed. A~~  
19 ~~reproduction in a medium pursuant to **UNDER** the records reproduction~~  
20 ~~act, 1992 PA 116, MCL 24.401 to 24.406, or a reproduction~~  
21 ~~consisting of a printout or other output readable by sight from~~  
22 ~~such a medium is admissible as evidence before a court, commission,~~  
23 ~~or administrative body the same as the original. The original file~~  
24 ~~of an estate proceeding shall not be destroyed until 6 years after~~  
25 ~~the date the discharge of the fiduciary is filed or 10 years after~~  
26 ~~the last document is filed, whichever occurs first.~~

27 ~~—— (3) A court of record other than the district court may order~~

~~1 the destruction of a court reporter or recorder note, tape, or  
2 recording 15 years after the date that the note, tape, or recording  
3 was made for a felony case and 10 years after the date that the  
4 note, tape, or recording was made for any other case. One year  
5 after a transcript of a note, tape, or recording is filed with the  
6 court, the court may order the destruction of the note, tape, or  
7 recording. If a transcript of a trial or other proceeding in a  
8 court of record other than the district court is ordered other than  
9 for filing in the case file, the court reporter or recorder also  
10 shall prepare and shall file a certified copy of the transcript in  
11 the case file at the expense of the person ordering the transcript  
12 unless a copy has been filed with the court or unless the chief  
13 judge of the court orders otherwise in an order filed in the case  
14 file. As used in this subsection, "felony case" does not include  
15 proceedings in a case that occur before arraignment on information  
16 or indictment or proceedings in a case in which the defendant is  
17 not convicted of a felony.~~

~~18 — (4) Except as provided in subsection (3), a judicial circuit  
19 of the circuit court may order the destruction of its files and  
20 records in a case in which action has not been taken during the 25  
21 years immediately preceding the order of destruction. All of the  
22 following procedures shall be followed before the issuance of an  
23 order of destruction of circuit court files and records:~~

~~24 — (a) The judgment or decree, if any, shall be reproduced  
25 pursuant to the records reproduction act, 1992 PA 116, MCL 24.401  
26 to 24.406, or separated and retained, and the original or  
27 reproduction shall be made available for public inspection.~~

1 ~~—— (b) The circuit court shall offer the files and records,~~  
2 ~~subject to the order of destruction, to the Michigan historical~~  
3 ~~commission established by section 1 of 1913 PA 271, MCL 399.1, or a~~  
4 ~~historical commission created under section 2 of 1957 PA 213, MCL~~  
5 ~~399.172. If the historical commission accepts the offer within 30~~  
6 ~~days, the circuit court shall transfer the files and records to the~~  
7 ~~historical commission. If the historical commission does not accept~~  
8 ~~the offer within 30 days, the circuit court shall issue an order of~~  
9 ~~destruction.~~

10 ~~—— (5) A reproduction of a record in a medium pursuant to the~~  
11 ~~records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, or a~~  
12 ~~reproduction consisting of a printout or other output readable by~~  
13 ~~sight from such a medium, made as provided by law, AND has the same~~  
14 ~~force and effect as the original would have had and shall be~~  
15 ~~treated as an original for the purpose of admissibility in~~  
16 ~~evidence. A duly certified or authenticated copy of the~~  
17 ~~reproduction shall be admitted into evidence equally with the~~  
18 ~~original reproduction.~~

19 ~~—— (6) Except for records described in subsection (3), this **THIS**~~  
20 ~~section only applies to records filed with the court and maintained~~  
21 ~~by the court clerk or register.~~

22 Enacting section 1. This amendatory act does not take effect  
23 unless all of the following bills of the 97th Legislature are  
24 enacted into law:

25 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4416 (request no.  
26 00298'13).

27 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4415 (request no.

1 00299'13).

2 (c) Senate Bill No.\_\_\_\_ or House Bill No. 4412(request no.  
3 00300'13).

4 (d) Senate Bill No.\_\_\_\_ or House Bill No. 4417(request no.  
5 00302'13).

6 (e) Senate Bill No.\_\_\_\_ or House Bill No. 4414(request no.  
7 00303'13).