

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 103

SENATE BILL 1272

AN ACT

AMENDING SECTIONS 12-282 AND 41-1339, ARIZONA REVISED STATUTES; RELATING TO COURT RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-282, Arizona Revised Statutes, is amended to
3 read:

4 12-282. Custody of records filed; purging; destruction;
5 microphotography; electronic imaging; evidence;
6 withdrawal of voucher; exemption; child support
7 information

8 A. The clerk shall keep custody at the county seat, and shall take
9 charge of and safely keep and dispose of according to court rules all books,
10 papers and records which may be filed or deposited in custody.

11 B. The clerk may destroy all documents, records, instruments, books,
12 papers, depositions, exhibits and transcripts in any action or proceeding in
13 the superior court, or otherwise filed or deposited in custody pursuant to
14 rules established by the supreme court.

15 C. The clerk shall notify the director of the Arizona state library,
16 archives and public records of records designated for destruction AND SHALL
17 PROVIDE THESE RECORDS TO THE DIRECTOR pursuant to court rules. ~~The state~~
18 ~~library, during the time prescribed by court rule, may review and inspect~~
19 ~~these records. During this time period, the state library may remove any of~~
20 ~~these records for storage and retrieval.~~

21 D. A photographic or electronic reproduction or image of any of the
22 records described in this section, which has been certified by the clerk in
23 charge of such reproduction or imaging as being an exact replica of the
24 original, shall be received in evidence in all courts, and in hearings before
25 any officer, board or commission having jurisdiction or authority to conduct
26 such hearings, in like manner as the original. A state or local agency shall
27 accept any of the records under this subsection as a registration of a record
28 or a procedure if the agency receives the record from the clerk of the
29 superior court through electronic transmission and the electronically
30 reproduced document states that the copy received is a full, true and correct
31 copy of the original on file with the clerk of the court.

32 E. The clerk may produce an abstract of marriage in lieu of a
33 reproduction of the recorded marriage license. An abstract of marriage shall
34 include the name of the bride at the time of the marriage, the name of the
35 groom, the date of the marriage and the date on which the marriage license
36 was recorded.

37 F. Any voucher filed in support of an account by a trustee, a personal
38 representative or any litigant may be withdrawn if a certified copy is
39 retained on file. Pursuant to court rules the clerk may destroy the voucher
40 or, if requested to do so, may deliver the voucher to the trustee, personal
41 representative or litigant. No notification is necessary prior to
42 destruction of such vouchers.

43 G. Records destroyed pursuant to section 8-343 are exempt from this
44 section.

1 H. Beginning on October 1, 1998, the clerk shall provide information
2 on both parents and each child in a child support case to the child support
3 case registry established pursuant to section 46-442. The information shall
4 be in a format prescribed by the department of economic security and shall
5 include the following:

- 6 1. The full name of each parent and child.
- 7 2. The social security number or any other uniform identification
8 numbers of each parent and child.
- 9 3. The date of birth of each parent and child.
- 10 4. Any case identification number.
- 11 5. Any other information required by the United States secretary of
12 health and human services.

13 I. The clerk shall provide the information required in subsection H of
14 this section for child support cases with a support order established,
15 modified or registered in this state on or after October 1, 1998. The clerk
16 shall provide the information to the child support case registry established
17 pursuant to section 46-442 within ten days after the order is entered or the
18 information is updated. The information shall be provided by electronic,
19 magnetic or other means as prescribed by the department of economic security.

20 Sec. 2. Section 41-1339, Arizona Revised Statutes, is amended to read:
21 41-1339. Depository of official archives

22 A. The state library is the central depository of all official books,
23 records and documents not in current use of the various state officers and
24 departments of the state, the counties and incorporated cities and
25 towns. These materials constitute the state archives. The state archives
26 shall be carefully kept and preserved, classified, catalogued and made
27 available for inspection under rules the director adopts.

28 B. State officers in possession of official state or territorial
29 archives shall deposit those archives with the state library.

30 C. Any county, municipal or other public official may either retain or
31 deposit with the state library for permanent preservation official books,
32 records, documents and original papers not in current use. THE CLERK OF THE
33 SUPERIOR COURT SHALL DEPOSIT AND THE STATE ARCHIVES SHALL PRESERVE ALL
34 PERMANENT SUPERIOR COURT CASE FILES PURSUANT TO COURT RULES.

35 D. The state library shall make birth and death records held in the
36 state library archives available for inspection as follows:

- 37 1. Birth records if seventy-five years have passed after the date of
38 birth as recorded on the birth certificate.
- 39 2. Death records if fifty years have passed after the date of death.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

Passed the House April 12, 2005,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House
Pro Tempore

Chief Clerk of the House

Passed the Senate March 10, 2005,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2005

at 12:46 o'clock P. M.

Secretary to the Governor

Approved this 18 day of

April, 20 05,

at 1:50 o'clock P. M.

Governor of Arizona

S.B. 1272

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005,

at 11:42 o'clock P. M.

Secretary of State