

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 469  
By: Harris  
Jurisprudence  
3/1/1999  
As Filed

### **DIGEST**

Currently, intermediate appellate courts must store copious and duplicate case records for 10 years. Maintaining the records, which are often of no general interest, creates a significant cost to the courts, particularly in obtaining and keeping storage space. A change in storage guidelines would increase the efficiency and financially benefit the appellate courts. The proposed new guidelines resemble trial court guidelines, including a one-year retention schedule before discarding records and providing certain provisions for criminal records, while meeting supreme court rules and retention schedules for district and county clerks. S.B. 469 requires certain appellate court records to be retained for one year, instead of 10 years.

### **PURPOSE**

As proposed, S.B. 469 requires certain appellate court records to be retained for one year, instead of 10 years.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.204, Government Code, to require the clerk of the court to notify the attorneys of record in a case that exhibits on file will be destroyed one year, rather than 10 years, after final disposition of the case. Specifies a criminal case in the requirement for the clerk to remove and destroy all duplicate papers in the file of a case. Requires the clerk to destroy, not sooner than the 90th day after the date the clerk provides notice to the district or county clerk, all records filed in the court related to a civil case one year, rather than 10 years, after final disposition. Sets forth exceptions to the requirement that all records filed in the court be destroyed, including requested retention of records issued under Section 441.158, Government Code, and applicable rules of the supreme court. Requires the clerk to destroy all records relating to the case, other than a record in the preceding provision, not later than the 25th anniversary of the final disposition of an applicable criminal case. Provides that this subsection applies to a criminal case in which certain sentences or a combination of different sentences is 20 years or less. Makes conforming changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.