

AMENDED IN SENATE JUNE 26, 2013

AMENDED IN SENATE JUNE 14, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1352

Introduced by Assembly Member Levine

February 22, 2013

An act to amend Sections 68150 and 68151 of, and to repeal and add Section 68152 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1352, as amended, Levine. Courts: destruction of court records.

Existing law authorizes the court clerk to destroy court records, as defined, after notice of destruction, if there is no request and order for transfer of the records, upon the expiration of specified time periods after final disposition of the case.

This bill would revise and reorganize these provisions to, among other things, generally reduce the retention periods for court records, and would establish new retention periods for additional types of records, including proceedings for the revocation of postrelease community supervision.

Existing law provides that a copy of a court record created, maintained, preserved, or reproduced according to specified standards shall be deemed an original court record and may be certified as a correct copy of the original record.

This bill would authorize the clerk of the court to certify a copy of a court record by electronic or other technological means, if the means adopted by the court reasonably ensures that the certified copy is a true

and correct copy of the original record, or of a specified part of the original record.

This bill would incorporate additional changes to Section 68150 of the Government Code proposed by AB 1167 that would become operative only if this bill and AB 1167 are both enacted, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68150 of the Government Code is
2 amended to read:

3 68150. (a) Trial court records may be created, maintained, and
4 preserved in any form or forms of communication or representation,
5 including paper, optical, electronic, magnetic, micrographic, or
6 photographic media or other technology, if the form or forms of
7 representation or communication satisfy the rules adopted by the
8 Judicial Council pursuant to subdivision (c), once those rules have
9 been adopted. Until those rules are adopted, the court may continue
10 to create, maintain, and preserve records according to the minimum
11 standards or guidelines for the preservation and reproduction of
12 the medium adopted by the American National Standards Institute
13 or the Association for Information and Image Management.

14 (b) (1) This section shall not apply to court reporters’
15 transcripts or to specifications for electronic recordings made as
16 the official record of oral proceedings. These records shall be
17 governed by the California Rules of Court.

18 (2) *This section shall not apply to original wills and codicils*
19 *delivered to the clerk of the court under Section 8200 of the*
20 *Probate Code. Original wills and codicils shall be retained as*
21 *provided in Section 26810.*

22 (c) The Judicial Council shall adopt rules to establish the
23 standards or guidelines for the creation, maintenance, reproduction,
24 or preservation of court records, including records that must be
25 preserved permanently. The standards or guidelines shall reflect
26 industry standards for each medium used, if those standards exist.
27 The standards or guidelines shall ensure that court records are
28 created and maintained in a manner that ensures accuracy and
29 preserves the integrity of the records throughout their maintenance.

1 They shall also ensure that the records are stored and preserved in
2 a manner that will protect them against loss and ensure preservation
3 for the required period of time. Standards and guidelines for the
4 electronic creation, maintenance, and preservation of court records
5 shall ensure that the public can access and reproduce records with
6 at least the same amount of convenience as paper records
7 previously provided.

8 (d) No additions, deletions, or changes shall be made to the
9 content of court records, except as authorized by statute or the
10 California Rules of Court.

11 (e) Court records shall be indexed for convenient access.

12 (f) A copy of a court record created, maintained, preserved, or
13 reproduced according to subdivisions (a) and (c) shall be deemed
14 an original court record and may be certified as a true and correct
15 copy of the original record. The clerk of the court may certify a
16 copy of the record by electronic or other technological means, if
17 the means adopted by the court reasonably ensures that the certified
18 copy is a true and correct copy of the original record, or of a
19 specified part of the original record.

20 (g) Any notice, order, judgment, decree, decision, ruling,
21 opinion, memorandum, warrant, certificate of service, or similar
22 document issued by a trial court or by a judicial officer of a trial
23 court may be signed, subscribed, or verified using a computer or
24 other technology in accordance with procedures, standards, and
25 guidelines established by the Judicial Council pursuant to this
26 section. Notwithstanding any other provision of law, all notices,
27 orders, judgments, decrees, decisions, rulings, opinions,
28 memoranda, warrants, certificates of service, or similar documents
29 that are signed, subscribed, or verified by computer or other
30 technological means pursuant to this subdivision shall have the
31 same validity, and the same legal force and effect, as paper
32 documents signed, subscribed, or verified by a trial court or a
33 judicial officer of the court.

34 (h) A court record created, maintained, preserved, or reproduced
35 in accordance with subdivisions (a) and (c) shall be stored in a
36 manner and in a place that reasonably ensures its preservation
37 against loss, theft, defacement, or destruction for the prescribed
38 retention period under Section 68152.

39 (i) A court record that was created, maintained, preserved, or
40 reproduced in accordance with subdivisions (a) and (c) may be

1 disposed of in accordance with the procedure under Section 68153,
2 unless it is either of the following:

3 (1) A comprehensive historical and sample superior court record
4 preserved for research under the California Rules of Court.

5 (2) A court record that is required to be preserved permanently.

6 (j) Instructions for access to data stored on a medium other than
7 paper shall be documented.

8 (k) Each court shall conduct a periodic review of the media in
9 which the court records are stored to ensure that the storage
10 medium is not obsolete and that current technology is capable of
11 accessing and reproducing the records. The court shall reproduce
12 records before the expiration of their estimated lifespan for the
13 medium in which they are stored according to the standards or
14 guidelines established by the Judicial Council.

15 (l) Unless access is otherwise restricted by law, court records
16 created, maintained, preserved, or reproduced under subdivisions
17 (a) and (c) shall be made reasonably accessible to all members of
18 the public for viewing and duplication as the paper records would
19 have been accessible. Unless access is otherwise restricted by law,
20 court records maintained in electronic form shall be viewable at
21 the court, regardless of whether they are also accessible remotely.
22 Reasonable provision shall be made for duplicating the records at
23 cost. Cost shall consist of all costs associated with duplicating the
24 records as determined by the court.

25 *SEC. 1.5. Section 68150 of the Government Code is amended*
26 *to read:*

27 68150. (a) Trial court records may be created, maintained, and
28 preserved in any form or forms of communication or representation,
29 including paper, optical, electronic, magnetic, micrographic, or
30 photographic media or other technology, if the form or forms of
31 representation or communication satisfy the rules adopted by the
32 Judicial Council pursuant to subdivision (c), once those rules have
33 been adopted. Until those rules are adopted, the court may continue
34 to create, maintain, and preserve records according to the minimum
35 standards or guidelines for the preservation and reproduction of
36 the medium adopted by the American National Standards Institute
37 or the Association for Information and Image Management.

38 (b) (1) This section shall not apply to court reporters’
39 transcripts or to specifications for electronic recordings made as

1 the official record of oral proceedings. These records shall be
2 governed by the California Rules of Court.

3 (2) *This section shall not apply to original wills and codicils*
4 *delivered to the clerk of the court under Section 8200 of the*
5 *Probate Code. Original wills and codicils shall be retained as*
6 *provided in Section 26810.*

7 (c) The Judicial Council shall adopt rules to establish the
8 standards or guidelines for the creation, maintenance, reproduction,
9 or preservation of court records, including records that must be
10 preserved permanently. The standards or guidelines shall reflect
11 industry standards for each medium used, if those standards exist.
12 The standards or guidelines shall ensure that court records are
13 created and maintained in a manner that ensures accuracy and
14 preserves the integrity of the records throughout their maintenance.
15 They shall also ensure that the records are stored and preserved in
16 a manner that will protect them against loss and ensure preservation
17 for the required period of time. Standards and guidelines for the
18 electronic creation, maintenance, and preservation of court records
19 shall ensure that the public can access and reproduce records with
20 at least the same amount of convenience as paper records
21 previously provided.

22 (d) No additions, deletions, or changes shall be made to the
23 content of court records, except as authorized by statute or the
24 California Rules of Court.

25 (e) Court records shall be indexed for convenient access.

26 (f) A copy of a court record created, maintained, preserved, or
27 reproduced according to subdivisions (a) and (c) shall be deemed
28 an original court record and may be certified as a *true and correct*
29 *copy of the original record. The clerk of the court may certify a*
30 *copy of the record by electronic or other technological means, if*
31 *the means adopted by the court reasonably ensures that the*
32 *certified copy is a true and correct copy of the original record, or*
33 *of a specified part of the original record.*

34 (g) Any notice, order, judgment, decree, decision, ruling,
35 opinion, memorandum, warrant, certificate of service, ~~or writ,~~
36 *subpoena, or other legal process or similar document issued by a*
37 *trial court or by a judicial officer of a trial court may be signed,*
38 *subscribed, or verified using a computer or other technology in*
39 *accordance with procedures, standards, and guidelines established*
40 *by the Judicial Council pursuant to this section. Notwithstanding*

1 any other provision of law, all notices, orders, judgments, decrees,
 2 decisions, rulings, opinions, memoranda, warrants, certificates of
 3 service, ~~or writs, subpoenas, or other legal process~~ or similar
 4 documents that are signed, subscribed, or verified by computer or
 5 other technological means pursuant to this subdivision shall have
 6 the same validity, and the same legal force and effect, as paper
 7 documents signed, subscribed, or verified by a trial court or a
 8 judicial officer of the court.

9 (h) A court record created, maintained, preserved, or reproduced
 10 in accordance with subdivisions (a) and (c) shall be stored in a
 11 manner and in a place that reasonably ensures its preservation
 12 against loss, theft, defacement, or destruction for the prescribed
 13 retention period under Section 68152.

14 (i) A court record that was created, maintained, preserved, or
 15 reproduced in accordance with subdivisions (a) and (c) may be
 16 disposed of in accordance with the procedure under Section 68153,
 17 unless it is either of the following:

18 (1) A comprehensive historical and sample superior court record
 19 preserved for research under the California Rules of Court.

20 (2) A court record that is required to be preserved permanently.

21 (j) Instructions for access to data stored on a medium other than
 22 paper shall be documented.

23 (k) Each court shall conduct a periodic review of the media in
 24 which the court records are stored to ensure that the storage
 25 medium is not obsolete and that current technology is capable of
 26 accessing and reproducing the records. The court shall reproduce
 27 records before the expiration of their estimated lifespan for the
 28 medium in which they are stored according to the standards or
 29 guidelines established by the Judicial Council.

30 (l) Unless access is otherwise restricted by law, court records
 31 created, maintained, preserved, or reproduced under subdivisions
 32 (a) and (c) shall be made reasonably accessible to all members of
 33 the public for viewing and duplication as the paper records would
 34 have been accessible. Unless access is otherwise restricted by law,
 35 court records maintained in electronic form shall be viewable at
 36 the court, regardless of whether they are also accessible remotely.
 37 Reasonable provision shall be made for duplicating the records at
 38 cost. Cost shall consist of all costs associated with duplicating the
 39 records as determined by the court.

1 SEC. 2. Section 68151 of the Government Code is amended
2 to read:

3 68151. The following definitions apply to this chapter:

4 (a) “Court record” shall consist of the following:

5 (1) All filed papers and documents in the case folder, but if no
6 case folder is created by the court, all filed papers and documents
7 that would have been in the case folder if one had been created.

8 (2) Administrative records filed in an action or proceeding,
9 depositions, transcripts, including preliminary hearing transcripts,
10 and recordings of electronically recorded proceedings filed, lodged,
11 or maintained in connection with the case, unless disposed of
12 earlier in the case pursuant to law.

13 (3) Other records listed under subdivision (g) of Section 68152.

14 (b) “Notice of destruction and no transfer” means that the clerk
15 of the court has given notice of destruction of the superior court
16 records open to public inspection, and that there is no request and
17 order for transfer of the records as provided in the California Rules
18 of Court.

19 (c) “Final disposition of the case” means that an acquittal,
20 dismissal, or order of judgment has been entered in the case or
21 proceeding, the judgment has become final, and no postjudgment
22 motions or appeals are pending in the case or for the reviewing
23 court upon the mailing of notice of the issuance of the remittitur.

24 In a criminal prosecution, the order of judgment shall mean
25 imposition of sentence, entry of an appealable order ~~(including,~~
26 *order, including,* but not limited to, an order granting probation,
27 commitment of a defendant for insanity, or commitment of a
28 defendant as a narcotics addict appealable under Section 1237 of
29 the Penal ~~Code~~), *Code*, or forfeiture of bail without issuance of a
30 bench warrant or calendaring of other proceedings.

31 (d) “Retain permanently” means that the court records shall be
32 maintained permanently according to the standards or guidelines
33 established pursuant to subdivision (c) of Section 68150.

34 SEC. 3. Section 68152 of the Government Code is repealed.

35 SEC. 4. Section 68152 is added to the Government Code, to
36 read:

37 68152. The trial court clerk may destroy court records under
38 Section 68153 after notice of destruction, and if there is no request
39 and order for transfer of the records, except the comprehensive
40 historical and sample superior court records preserved for research

1 under the California Rules of Court, when the following times
2 have expired after the date of final disposition of the case in the
3 categories listed:

4 (a) Civil actions and proceedings, as follows:

5 (1) Except as otherwise specified: retain 10 years.

6 (2) Civil unlimited cases, limited cases, and small claims cases,
7 including after trial de novo, if any, except as otherwise specified:
8 retain for 10 years.

9 (3) Civil judgments for unlimited civil cases: retain permanently.

10 (4) Civil judgments for limited and small claims cases: retain
11 for 10 years, unless judgment is renewed. If judgment is renewed,
12 retain judgment for length of renewal pursuant to Article 2
13 (commencing with Section 683.110) of Chapter 3 of Division 1
14 of Title 9 of Part 2 of the Code of Civil Procedure.

15 (5) If a party in a civil case appears by a guardian ad litem:
16 retain for 10 years after termination of the court's jurisdiction.

17 (6) Civil harassment, domestic violence, elder and dependent
18 adult abuse, private postsecondary school violence, and workplace
19 violence cases: retain for the same period of time as the duration
20 of the restraining or other orders and any renewals thereof, then
21 retain the restraining or other orders *permanently* as a ~~judgment~~
22 ~~for judgment~~; 60 days after expiration of the temporary restraining
23 or other temporary orders; *retain judgments establishing paternity*
24 *under Section 6323 of the Family Code permanently*.

25 (7) Family law, except as otherwise specified: retain for 30
26 years.

27 (8) Adoption: retain permanently.

28 (9) Parentage: retain permanently.

29 (10) Change of name, gender, or name and gender: retain
30 permanently.

31 (11) Probate:

32 (A) Decedent estates: retain permanently all orders, judgments,
33 and decrees of the court, all inventories and appraisals, and all
34 wills and codicils of the decedent filed in the case, including those
35 not admitted to probate. All other records: retain for five years
36 after final disposition of the estate proceeding.

37 (B) Wills and codicils transferred or delivered to the court
38 pursuant to Section 732, 734, ~~8200~~, or 8203 of the Probate Code:
39 retain permanently. *For wills and codicils delivered to the clerk*

1 *of the court under Section 8200 of the Probate Code, retain the*
2 *original documents as provided in Section 26810.*

3 (C) Substitutes for decedent estate administration:

4 (i) Affidavit procedures for real property of small value under
5 Chapter 3 (commencing with Section 13100) of Part 1 of Division
6 8 of the Probate Code: retain permanently.

7 (ii) Proceedings for determining succession to property under
8 Chapter 4 (commencing with Section 13150) of Part 1 of Division
9 8 of the Probate Code: retain permanently all inventories and
10 appraisals and court orders. Other records: retain for five years
11 after final disposition of the proceeding.

12 (iii) Proceedings for determination of property passing or
13 belonging to surviving spouse under Chapter 5 (commencing with
14 Section 13650) of Part 2 of Division 8 of the Probate Code: retain
15 permanently all inventories and appraisals and court orders. Other
16 records: retain for five years after final disposition of the
17 proceeding.

18 (D) Conservatorships: retain permanently all court orders.
19 Documents of trusts established under substituted judgment
20 pursuant to Section 2580 of the Probate Code: retain as provided
21 in clause (iii) of subparagraph (G). Other records: retain for five
22 years after the later of either (i) the final disposition of the
23 conservatorship proceeding, or (ii) the date of the conservatee's
24 death, if that date is disclosed in the court's file.

25 (E) Guardianships: retain permanently orders terminating the
26 guardianship, if any, and court orders settling final account and
27 ordering distribution of the estate. Other records: retain for five
28 years after the later of (i) the final disposition of the guardianship
29 proceeding, or (ii) the earlier of the date of the ward's death, if
30 that date is disclosed in the court's file, or the date the ward reaches
31 23 years of age.

32 (F) Compromise of minor's or disabled person's claim or action,
33 and disposition of judgment for minors and disabled persons under
34 Section 372 of the Code of Civil Procedure and Chapter 4
35 (commencing with Section 3600) of Part 8 of Division 4 of the
36 Probate Code:

37 (i) Retain permanently judgments in favor of minors or disabled
38 persons, orders approving compromises of claims and actions and
39 disposition of the proceeds of judgments, orders directing payment
40 of expenses, costs, and fees, orders directing deposits into blocked

- 1 accounts and receipts and acknowledgments of those orders, and
2 orders for the withdrawal of funds from blocked accounts.
- 3 (ii) Retain other records for the same retention period as for
4 records in the underlying case. If there is no underlying case, retain
5 for five years after the later of either (I) the date the order for
6 payment or delivery of the final balance of the money or property
7 is entered, or (II) the earlier of the date of the minor's death, if that
8 date is disclosed in the court's file, or the date the minor reaches
9 23 years of age.
- 10 (G) Trusts:
- 11 (i) Proceedings under Part 5 (commencing with Section 17000)
12 of Division 9 of the Probate Code: retain permanently.
- 13 (ii) Trusts created by substituted judgment under Section 2580
14 of the Probate Code: retain permanently all trust instruments and
15 court orders. Other records: retain as long as the underlying
16 conservatorship file is retained.
- 17 (iii) Special needs trusts: retain permanently all trust instruments
18 and court orders. Other records: retain until the later of either (I)
19 the retention date of "other records" in the beneficiary's
20 conservatorship or guardianship file under subparagraph (D) or
21 (E), if any, or (II) five years after the date of the beneficiary's
22 death, if that date is disclosed in the court's file.
- 23 (H) All other proceedings under the Probate Code: retain as
24 provided for civil cases.
- 25 (12) Mental health:
- 26 (A) Lanterman Developmental Disabilities Services Act: retain
27 for 10 years.
- 28 (B) Lanterman-Petris-Short Act: retain for 20 years.
- 29 (C) Riese (capacity) hearings under Sections 5333 and 5334 of
30 the Welfare and Institutions Code: retain for the later of either (i)
31 20 years after the date of the capacity determination order, or (ii)
32 the court records retention date of the underlying involuntary
33 treatment or commitment proceeding, if any.
- 34 (D) Petitions under Chapter 3 (commencing with Section 8100)
35 of Division 8 of the Welfare and Institutions Code for the return
36 of firearms to petitioners who relinquished them to law
37 enforcement while detained in a mental health facility: retain for
38 10 years.
- 39 (13) Eminent domain: retain permanently.

1 (14) Real property other than unlawful detainer: retain
2 permanently if the action affects title or an interest in real property.

3 (15) Unlawful detainer: retain for one year if judgment is only
4 for possession of the premises; retain for 10 years if judgment is
5 for money, or money and possession.

6 (b) Notwithstanding subdivision (a), any civil or small claims
7 case in the trial court:

8 (1) Involuntarily dismissed by the court for delay in prosecution
9 or failure to comply with state or local rules: retain for one year.

10 (2) Voluntarily dismissed by a party without entry of judgment:
11 retain for one year.

12 (c) Criminal actions and proceedings, as follows:

13 (1) Capital felony in which the defendant is sentenced to death,
14 and any felony resulting in a sentence of life or life without the
15 possibility of parole: retain permanently, including records of the
16 cases of any codefendants and any related cases, regardless of the
17 disposition. For the purpose of this paragraph, “capital felony”
18 means murder with special circumstances when the prosecution
19 seeks the death penalty. Records of the cases of codefendants and
20 related cases required to be retained under this paragraph shall be
21 limited to those cases that are factually linked or related to the
22 charged offense, that are identified in the courtroom, and that are
23 placed on the record. If a capital felony is disposed of by a sentence
24 less than death, or imprisonment for life or life without the
25 possibility of parole, the judgment shall be retained permanently,
26 and the record shall be retained for 50 years or for 10 years after
27 the official written notification of the death of the defendant. If a
28 capital felony is disposed of by an acquittal, the record shall be
29 retained for 10 years.

30 (2) Felony, except as otherwise specified, and in any felony or
31 misdemeanor case resulting in a requirement that the defendant
32 register as a sex offender under Section 290 of the Penal Code:
33 retain judgment permanently. For all other documents: retain for
34 50 years or the maximum term of the sentence, whichever is longer.
35 However, any record other than the judgment may be destroyed
36 10 years after the death of the defendant. Felony case files that do
37 not include final sentencing or other final disposition because the
38 case was bound over from a former municipal court to the superior
39 court and not already consolidated with the superior court felony

1 case file: retain for 10 years from the disposition of the superior
2 court case.

3 (3) Felony reduced to a misdemeanor: retain in accordance with
4 the retention period for the relevant misdemeanor.

5 (4) Felony, if the charge is dismissed, except as provided in
6 paragraph (6): retain for three years.

7 (5) Misdemeanor, if the charge is dismissed, except as provided
8 in paragraph (6): retain for one year.

9 (6) Dismissal under Section 1203.4 or 1203.4a of the Penal
10 Code: retain for the same retention period as for records of the
11 underlying case. If the records in the underlying case have been
12 destroyed, retain for five years after dismissal.

13 (7) Misdemeanor, except as otherwise specified: retain for five
14 years. For misdemeanors alleging a violation of Section 23109,
15 23109.5, 23152, or 23153 of the Vehicle Code: retain for 10 years.

16 (8) Misdemeanor alleging a marijuana violation under
17 subdivision (c), (d), or (e) of Section 11357 of the Health and
18 Safety Code, or subdivision (b) of Section 11360 of the Health
19 and Safety Code: records shall be destroyed, or redacted in
20 accordance with subdivision (c) of Section 11361.5 of the Health
21 and Safety Code, two years from the date of conviction, or from
22 the date of arrest if no conviction, if the case is no longer subject
23 to review on appeal, all applicable fines and fees have been paid,
24 and the defendant has complied with all terms and conditions of
25 the sentence or grant of probation. However, as provided in
26 subdivision (a) of Section 11361.5 of the Health and Safety Code
27 and paragraph (5) of subdivision (e) of this section, records of a
28 misdemeanor alleging a marijuana violation under subdivision (e)
29 of Section 11357 of the Health and Safety Code shall be retained
30 until the offender attains 18 years of age, at which time the records
31 shall be destroyed as provided in subdivision (c) of Section 11361.5
32 of the Health and Safety Code.

33 (9) Misdemeanor reduced to an infraction: retain in accordance
34 with the retention period for the relevant infraction.

35 (10) Infraction, except as otherwise specified: retain for one
36 year. Vehicle Code infraction: retain for three years. Infraction
37 alleging a marijuana violation under subdivision (b) of Section
38 11357 of the Health and Safety Code: if records are retained past
39 the one-year minimum retention period, the records shall be
40 destroyed or redacted in accordance with subdivision (c) of Section

1 11361.5 of the Health and Safety Code two years from the date of
2 conviction, or from the date of arrest if no conviction, if the case
3 is no longer subject to review on appeal, all applicable fines and
4 fees have been paid, and the defendant has complied with all terms
5 and conditions of the sentence or grant of probation.

6 (11) Criminal protective order: retain until the order expires or
7 is terminated.

8 (12) Arrest warrant: retain for the same retention period as for
9 records in the underlying case. If there is no underlying case, retain
10 for one year from the date of issue.

11 (13) Search warrant: ~~retain for the same retention period as for~~
12 ~~records in the underlying case. If there is no underlying case, retain~~
13 ~~for five years from the date of issue.~~

14 (A) *If there is no underlying case, retain for five years from the*
15 *date of issue.*

16 (B) *If there is any underlying case, retain for 10 years from the*
17 *date of issue or, if the retention period for records in the underlying*
18 *case is less than 10 years or if the underlying case is a capital*
19 *felony described in paragraph (1) of subdivision (c), retain for the*
20 *same retention period as for records in the underlying case.*

21 (14) Probable cause declarations: retain for the same retention
22 period as for records in the underlying case. If there is no
23 underlying case, retain for one year from the date of declaration.

24 (15) Proceedings for revocation of postrelease community
25 supervision or postrelease parole supervision: retain for five years
26 after the period of supervision expires or is terminated.

27 (d) Habeas corpus:

28 (1) Habeas corpus in criminal and family law matters: retain
29 for the same retention period as for records in the underlying case,
30 whether granted or denied.

31 (2) Habeas corpus in mental health matters: retain all records
32 for the same retention period as for records in the underlying case,
33 whether granted or denied. If there is no underlying case, retain
34 records for 20 years.

35 (e) Juveniles:

36 (1) Dependent pursuant to Section 300 of the Welfare and
37 Institutions Code: upon reaching 28 years of age, or on written
38 request, shall be released to the juvenile five years after jurisdiction
39 over the person has terminated under subdivision (a) of Section
40 826 of the Welfare and Institutions Code. Sealed records shall be

1 destroyed upon court order five years after the records have been
2 sealed pursuant to subdivision (c) of Section 389 of the Welfare
3 and Institutions Code.

4 (2) Ward pursuant to Section 601 of the Welfare and Institutions
5 Code: upon reaching 21 years of age, or on written request, shall
6 be released to the juvenile five years after jurisdiction over the
7 person has terminated under subdivision (a) of Section 826 of the
8 Welfare and Institutions Code. Sealed records shall be destroyed
9 upon court order five years after the records have been sealed under
10 subdivision (d) of Section 781 of the Welfare and Institutions
11 Code.

12 (3) Ward pursuant to Section 602 of the Welfare and Institutions
13 Code: upon reaching 38 years of age under subdivision (a) of
14 Section 826 of the Welfare and Institutions Code. Sealed records
15 shall be destroyed upon court order when the subject of the record
16 reaches 38 years of age under subdivision (d) of Section 781 of
17 the Welfare and Institutions Code.

18 (4) Traffic and some nontraffic misdemeanors and infractions
19 pursuant to Section 601 of the Welfare and Institutions Code: upon
20 reaching 21 years of age, or five years after jurisdiction over the
21 person has terminated under subdivision (c) of Section 826 of the
22 Welfare and Institutions Code. Records may be microfilmed or
23 photocopied.

24 (5) Marijuana misdemeanor under subdivision (e) of Section
25 11357 of the Health and Safety Code in accordance with procedures
26 specified in subdivision (a) of Section 11361.5 of the Health and
27 Safety Code: upon reaching 18 years of age, the records shall be
28 destroyed.

29 (f) Court records of the appellate division of the superior court:
30 retain for five years.

31 (g) Other records:

32 (1) Bench warrant: retain for the same retention period as for
33 records in the underlying case. For a bench warrant issued for a
34 misdemeanor, retain records for the same retention period as for
35 records in the underlying misdemeanor following issuance. If there
36 is no return on the warrant, the court may dismiss on its own
37 motion and immediately destroy the records.

38 (2) Body attachment: retain for same retention period as for
39 records in the underlying case.

40 (3) Bond: retain for three years after exoneration and release.

1 (4) Court reporter notes:

2 (A) Criminal and juvenile proceedings: retain notes for 10 years,
3 except as otherwise specified. Notes reporting proceedings in
4 capital felony cases (murder with special circumstances when the
5 prosecution seeks the death penalty and the sentence is death),
6 including notes reporting the preliminary hearing, shall be retained
7 permanently, unless the Supreme Court on request of the court
8 clerk authorizes the destruction.

9 (B) Civil and all other proceedings: retain notes for five years.

10 (5) Electronic recordings made as the official record of the oral
11 proceedings under the California Rules of Court may be destroyed
12 or deleted as follows:

13 (A) Any time after final disposition of the case in infraction and
14 misdemeanor proceedings.

15 (B) After 10 years in all other criminal proceedings.

16 (C) After five years in all other proceedings.

17 (6) Electronic recordings not made as the official record of the
18 oral proceedings under the California Rules of Court may be
19 destroyed at any time at the discretion of the court.

20 (7) Fee waiver applications: retain for the same retention period
21 as for records in the underlying case.

22 (8) Judgments within the jurisdiction of the superior court other
23 than in a limited civil case, misdemeanor case, or infraction case:
24 retain permanently.

25 (9) Judgments in misdemeanor cases, infraction cases, and
26 limited civil cases: retain for the same retention period as for
27 records in the underlying case.

28 (10) Juror proceedings, including sanctions: retain for one year.

29 (11) Minutes: retain for the same retention period as for records
30 in the underlying case.

31 (12) Orders not associated with an underlying case, such as
32 orders for the destruction of court records for telephone taps, orders
33 to destroy drugs, and other miscellaneous court orders: retain for
34 one year.

35 (13) Naturalization index: retain permanently.

36 (14) Index for cases alleging traffic violations: retain for the
37 same retention period as for records in the underlying case.

38 (15) Index, except as otherwise specified: retain permanently.

1 (16) Register of actions or docket: retain for the same retention
2 period as for records in the underlying case, but in no event less
3 than 10 years for civil and small claims cases.

4 (h) Retention of the court records under this section shall be
5 extended by order of the court on its own motion, or on application
6 of a party or an interested member of the public for good cause
7 shown and on those terms as are just. A fee shall not be charged
8 for making the application.

9 (i) The record retention periods provided in this section, as
10 amended effective January 1, 2014, apply to all court records in
11 existence prior to that date as well as to records created on or after
12 that date.

13 *SEC. 5. Section 1.5 of this bill incorporates amendments to*
14 *Section 68150 of the Government Code proposed by both this bill*
15 *and Assembly Bill 1167. It shall only become operative if (1) both*
16 *bills are enacted and become effective on or before January 1,*
17 *2014, (2) each bill amends Section 68150 of the Government Code,*
18 *and (3) this bill is enacted after Assembly Bill 1167, in which case*
19 *Section 1 of this bill shall not become operative.*