

By: Hegar

S.B. No. 1259

A BILL TO BE ENTITLED

AN ACT

relating to the storage of records by the clerks of the supreme court and the courts of appeals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 51, Government Code, is amended by adding Section 51.0045 to read as follows:

Sec. 51.0045. ELECTRONIC OR MICROFILM STORAGE. (a) In the performance of the duties imposed by Section 51.004, the clerk of the supreme court may maintain records and documents in an electronic storage format or on microfilm. A record or document stored electronically or on microfilm in accordance with this section is considered an original record or document. If the clerk stores records or documents electronically or on microfilm, the clerk may destroy the originals or copies of the records or documents according to the retention policy described by Subsection (b).

(b) The clerk of the supreme court shall establish a records retention policy. The retention policy shall provide a plan for the storage and retention of records and documents and shall include a retention period to preserve the records and documents in accordance with applicable state law and rules of the supreme court.

(c) For purposes of this section, "electronic storage" has the meaning assigned by Section 51.105(c).

1 SECTION 2. Subchapter C, Chapter 51, Government Code, is  
2 amended by adding Section 51.205 to read as follows:

3 Sec. 51.205. ELECTRONIC OR MICROFILM STORAGE. (a) In the  
4 performance of the duties imposed by Section 51.204, the clerk of a  
5 court of appeals may maintain records and documents in an  
6 electronic storage format or on microfilm. A record or document  
7 stored electronically or on microfilm in accordance with this  
8 section is considered an original record or document. If a clerk  
9 stores records or documents electronically or on microfilm, the  
10 clerk may destroy the originals or copies of the records or  
11 documents according to the retention policy described by Subsection  
12 (b).

13 (b) The clerk of a court of appeals shall establish a  
14 records retention policy. The retention policy shall provide a  
15 plan for the storage and retention of records and documents and  
16 shall include a retention period to preserve the records and  
17 documents in accordance with Section 51.204 and other applicable  
18 state law and rules of the court of appeals, the supreme court, or  
19 the court of criminal appeals.

20 (c) For purposes of this section, "electronic storage" has  
21 the meaning assigned by Section 51.105(c).

22 SECTION 3. The changes in law made by this Act apply to a  
23 record or document maintained by the clerk of the Texas Supreme  
24 Court or the clerk of a court of appeals, as applicable, regardless  
25 of whether the record or document was received by the clerk before,  
26 on, or after the effective date of this Act.

27 SECTION 4. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.