

By: Hegar

S.B. No. 1259

A BILL TO BE ENTITLED

AN ACT

relating to the electronic 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 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. If the clerk electronically stores records or documents, 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).

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

Sec. 51.205. ELECTRONIC STORAGE. (a) In the performance of

1 the duties imposed by Section 51.204, the clerk of a court of
2 appeals may maintain records and documents in an electronic storage
3 format. If a clerk electronically stores records or documents, the
4 clerk may destroy the originals or copies of the records or
5 documents according to the retention policy described by Subsection
6 (b).

7 (b) The clerk of a court of appeals shall establish a
8 records retention policy. The retention policy shall provide a
9 plan for the storage and retention of records and documents and
10 shall include a retention period to preserve the records and
11 documents in accordance with Section 51.204 and other applicable
12 state law and rules of the court of appeals, the supreme court, or
13 the court of criminal appeals.

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

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2009.