

HOUSE BILL No. 4417

March 12, 2013, Introduced by Reps. Schor, Price, Rutledge, Talabi, Stallworth, Lyons, Haveman, MacGregor and Victory and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
 "Revised judicature act of 1961,"
 by amending section 8344 (MCL 600.8344), as amended by 2005 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ~~Sec. 8344. Except as provided in this section, not less than 6~~
 2 ~~years after the entry of a judgment in a civil action, including a~~
 3 ~~summary proceeding, or in an ordinance violation case or a criminal~~
 4 ~~case in the district court, the court may dispose of documents,~~
 5 ~~records, recordings, and notes related to that action, except the~~
 6 ~~register of actions pursuant to a schedule adopted by the state~~
 7 ~~administrative board. The court may order the destruction of~~
 8 ~~documents, records, recordings, and notes related to a civil~~
 9 ~~infraction action not less than 3 years after the entry of a~~
 10 ~~finding in the action. The court may order the destruction of~~

1 notes, tapes, and recordings that have been transcribed and filed
 2 with the court 1 year after the date of the filing of the
 3 transcript. The register of actions shall be in a form adequate to
 4 reveal, in summary fashion, the general nature of the action and
 5 judgment. After the disposal of the documents, records, recordings,
 6 and notes, the register of actions or a certified reproduction of
 7 the register of actions pursuant to the records media act is the
 8 official record of the action and judgment. The validity and
 9 enforceability of a judgment are not affected by the destruction of
 10 the piece of paper upon which the judgment is entered, but the
 11 register of actions itself, or a certified reproduction of the
 12 register of actions pursuant to ~~UNDER~~ the records reproduction act,
 13 1992 PA 116, MCL 24.401 to 24.406, is a complete replacement of the
 14 judgment and the records of the action. This section applies to
 15 judgments **ALL OF THE FOLLOWING:**

16 (A) **JUDGMENTS** of municipal and common pleas courts abolished
 17 after January 1, 1969, if the judgment was entered or the action
 18 disposed of after January 1, 1969. ~~This section applies to actions~~

19 (B) **ACTIONS** entered in the small claims division of the
 20 district court, except that a register of actions ~~need~~ **IS** not
 21 **REQUIRED TO** be preserved or maintained after destruction of the
 22 file.

23 Enacting section 1. This amendatory act does not take effect
 24 unless all of the following bills of the 97th Legislature are
 25 enacted into law:

26 (a) Senate Bill No. ____ or House Bill No. 4416 (request no.
 27 00298'13).

1 (b) Senate Bill No. ____ or House Bill No. 4415 (request no.
2 00299'13).

3 (c) Senate Bill No. ____ or House Bill No. 4412 (request no.
4 00300'13).

5 (d) Senate Bill No. ____ or House Bill No. 4413 (request no.
6 00301'13).

7 (e) Senate Bill No. ____ or House Bill No. 4414 (request no.
8 00303'13).