



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

April 16, 2013

Hon. Bob Wieckowski, Chair
Assembly Judiciary Committee
State Capitol, Room 4016
Sacramento, California 95814

Subject: AB 1352 (Levine), as amended April 1, 2013 – Support/Sponsor
Hearing: Assembly Judiciary Committee – April 23, 2013

Dear Assembly Member Wieckowski:

The Judicial Council is pleased to sponsor AB 1352, which will update and revise court records retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.

AB 1352 authorizes the destruction of various court records earlier than is permitted under existing law, which will enable the trial courts to reduce their storage costs. In addition, the proposed amendments will establish statutory records retention periods for new types of records that are not dealt with under existing law—such as records resulting from the new criminal realignment process. The amendments will also clarify that the clerk of the court may use technology to generate certified copies of court records. Finally, the amendments will result in the main records retention statute, being organized in a more logical, readable, and understandable manner. (See enclosed copy of Fact Sheet for more details on the key modifications to the record retention periods.)

Implementation of AB 1352 will allow courts to efficiently and effectively manage court records and ensure that courts are not burdened by excessive record storage costs in this time of severe budget reductions to court operations which jeopardize access to justice for all Californians while still preserving the public's access to records when necessary.

Hon. Bob Wieckowski
April 16, 2013
Page 2

For all these reasons, the Judicial Council supports AB 1352.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Reilly". The signature is written in black ink and is positioned below the word "Sincerely,".

Sharon Reilly
Senior Attorney

SR/yc
Enclosure

cc: Members, Assembly Judiciary Committee
Hon. Marc B. Levine, Member of the Assembly
Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy



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FACT SHEET

March 2013

Assembly Bill 1352 (Levine): Court Records Retention

Assembly Bill 1352, sponsored by the Judicial Council of California, will update and revise court records retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.

Issue

In California, a vast amount of storage space is currently devoted to maintaining and preserving paper files of court records. A survey in 2007 indicated that court records were stored in 276 locations throughout the state (courthouse and off-site facilities), totaling 1,854,922 linear feet. The total cost associated with records management during the fiscal year 2006–2007 was \$21,619,815, which includes storage costs of \$1,814,530 and staff costs of \$14,908,919.

In 2010 the Judicial Council sponsored legislation Assembly Bill 1926 (Evans), Stats. 2010, ch. 16—that allowed court to store court records in electronic formats to assist the courts in modernizing their records management practices and reducing long-term costs of record retention. Nonetheless, large quantities of existing records still remain in paper formats and it would be prohibitively costly to convert all these records to electronic form. Moreover, expending scarce court resources to convert or maintain outdated records does not serve the public that needs to access the courts.

Proposal

AB 1352 amends Government Code section 68152 to authorize the destruction of various court records earlier than is permitted under existing law; this will enable the trial courts to reduce their storage costs. In addition, the proposed amendments will establish statutory records retention periods for new types of records that are not dealt with under existing law—such as records resulting from the new criminal realignment process. The amendments will also clarify that the clerk of the court may use technology to generate certified copies of court records. Finally, the amendments

will result in Government Code section 68152, the main records retention statute, being organized in a more logical, readable, and understandable manner.

Key modifications to records retention periods:

Criminal court records:

- Capital felony records retention periods would be revised to clarify definitions of co-defendants and to specify that records be kept permanently if the defendant is sentenced to death or a sentence of life or life without parole, but if the sentence is less than life, the judgment would be maintained as are other felony records.
- Other felony records retention periods would be modified to require that judgments be maintained permanently and other records for 50 years or the maximum term of the sentence, whichever is longer, but would allow any record other than the judgment to be destroyed 10 years after the death of the defendant.
- Clarifies that retention periods for felonies reduced to misdemeanors are subject to the misdemeanor retention period.
- Reduces the retention period for non-traffic infractions records from three years to one year (traffic infractions would continue to be kept for three years).
- Establishes a records retention period for new criminal justice realignment related proceedings.

Probate records:

- Revises records retention periods in guardianship and conservatorship proceedings to be more tailored to the specific nature of the cases and the need to have continuing access to court records.
- Establishes records retention periods for cases involving minor's compromise which the statute did not previously address.

Mental health proceeding records:

- Establishes discrete retention periods for records pertaining to the Lanterman Developmental Disabilities Act, the Lanterman-Petris-Short Act, and for Riese (capacity) hearings.

- Establishes a retention period of ten years for petitions for the return of a firearm relinquished due to detention in a mental health facility.

Other key changes:

- Deletes records retention provisions for records no longer maintained by the court (e.g. coroner's inquest records, and parking infraction records).
- Clarifies that courts may electronically certify court records.

Implementation of AB 1352 (Levine) will allow courts to efficiently and effectively manage court records and ensure that courts are not burdened by excessive record storage costs in this time of severe budget reductions to court operations which jeopardize access to justice for all Californians.

Contact:

Sharon Reilly, Senior Attorney, Office of Governmental Affairs, 916-323-3121,
sharon.reilly@jud.ca.gov



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Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

June 5, 2013

Hon. Noreen Evans, Chair
Senate Judiciary Committee
State Capitol, Room 4085
Sacramento, California 95814

Subject: AB 1352 (Levine), as amended April 1, 2013 – Support/Sponsor
Hearing: Senate Judiciary Committee – June 11, 2013

Dear Senator Evans:

The Judicial Council is pleased to sponsor AB 1352, which will update and revise court records retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.

AB 1352 authorizes the destruction of various court records earlier than is permitted under existing law, which will enable the trial courts to reduce their storage costs. In addition, the proposed amendments will establish statutory records retention periods for new types of records that are not dealt with under existing law—such as records resulting from the new criminal realignment process. The amendments will also clarify that the clerk of the court may use technology to generate certified copies of court records. Finally, the amendments will result in the main records retention statute, being organized in a more logical, readable, and understandable manner. (See enclosed copy of Fact Sheet for more details on the key modifications to the record retention periods.)

Implementation of AB 1352 will allow courts to efficiently and effectively manage court records and ensure that courts are not burdened by excessive record storage costs in this time of severe budget

Hon. Noreen Evans
June 5, 2013
Page 2

reductions to court operations which jeopardize access to justice for all Californians while still preserving the public's access to records when necessary.

For all these reasons, the Judicial Council supports AB 1352.

Sincerely,

A handwritten signature in black ink, reading "Sharon Reilly". The signature is written in a cursive, flowing style.

Sharon Reilly
Senior Attorney

SR/yc
Enclosure

cc: Members, Senate Judiciary Committee
Hon. Marc B. Levine, Member of the Assembly
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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STEVEN JAHR
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CORY T. JASPERSON
Director, Office of Governmental Affairs

June 18, 2013

Hon. Kevin de León, Chair
Senate Appropriations Committee
State Capitol, Room 5108
Sacramento, California 95814

Subject: AB 1352 (Levine), as amended June 14, 2013 – Support/Sponsor and Fiscal Impact Statement
Hearing: Senate Appropriations Committee – June 24, 2013

Dear Senator de León:

The Judicial Council is pleased to sponsor AB 1352, which will update and revise court records retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.

AB 1352 authorizes the destruction of various court records earlier than is permitted under existing law, which will enable the trial courts to reduce their storage costs. In addition, the proposed amendments will establish statutory records retention periods for new types of records that are not dealt with under existing law—such as records resulting from the new criminal realignment process. The amendments will also clarify that the clerk of the court may use technology to generate certified copies of court records. Finally, the amendments will result in the main records retention statute, being organized in a more logical, readable, and understandable manner. (See enclosed copy of Fact Sheet for more details on the key modifications to the record retention periods.)

Implementation of AB 1352 will allow courts to efficiently and effectively manage court records and ensure that courts are not burdened by excessive record storage costs in this time of severe budget

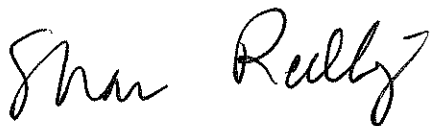
reductions to court operations -- which jeopardize access to justice for all Californians-- while still preserving the public's access to records when necessary.

In addition, AB 1352 will result in substantial savings to courts over time. Currently, courts devote a vast amount of storage space to maintaining and preserving paper files of court records. A survey in 2007 indicated that court records were stored in 276 locations throughout the state (courthouses and off-site facilities), totaling 1,854,922 linear feet. The total cost associated with records management during the fiscal year 2006–2007 was \$21,619,815, which includes storage costs of \$1,814,530 and staff costs of \$14,908,919.

AB 1352 will enable courts that maintain paper records in paper form only to retain those records for the necessary periods. Changing the law on records retention to authorize courts to more quickly destroy certain records will assist them in reducing their paper records and, as a result, to realize cost savings. For courts, a key feature of AB 1352 is that it would not require them to make any changes in their current court records retention practices, but if a court determines that it could realize savings and other benefits by retaining records for a shorter period as authorized by AB 1352, it could do so to the extent provided for under the bill. In other words, only if a court determines that the review and destruction of records is a net benefit will it need to take measures to implement the new shorter records retention periods provided by AB 1352.

For all these reasons, the Judicial Council supports AB 1352.

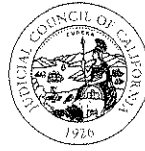
Sincerely,



Sharon Reilly
Senior Attorney

SR/yc-s
Enclosure

cc: Members, Senate Appropriations Committee
Hon. Marc Levine, Member of the Assembly
Ms. Jolie Onodera, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Ms. Madelynn McClain, Budget Analyst, Department of Finance



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CORY T. JASPERSON
Director, Office of Governmental Affairs

August 23, 2013

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 1352 (Levine) – Request for Signature

Dear Governor Brown:

The Judicial Council is pleased to sponsor AB 1352, which will update and revise court records retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.

AB 1352 authorizes the destruction of various court records earlier than is permitted under existing law, which will enable the trial courts to reduce their storage costs. In addition, the proposed amendments will establish statutory records retention periods for new types of records that are not dealt with under existing law—such as records resulting from the new criminal realignment process. The amendments will also clarify that the clerk of the court may use technology to generate certified copies of court records. Finally, the amendments will result in the main records retention statute, being organized in a more logical, readable, and understandable manner. Implementation of AB 1352 will allow courts to efficiently and effectively manage court records and ensure that courts are not burdened by excessive record storage costs in this time of severe budget reductions to court operations—which jeopardize access to justice for all Californians—while still preserving the public's access to records when necessary.

Hon. Edmund G. Brown, Jr.

August 23, 2013

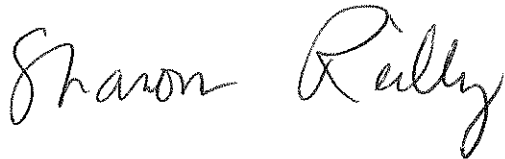
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For these reasons, the Judicial Council requests your signature on AB 1352.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Reilly". The signature is written in black ink and is positioned above the printed name and title.

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Hon. Marc Levine, Member of the Assembly

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor



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STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

May 3, 2013

Hon. Mike Gatto, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1352 (Levine), as amended April 1, 2013 – Support/Sponsor and Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – May 8, 2013

Dear Assembly Member Gatto:

The Judicial Council is pleased to sponsor AB 1352, which will update and revise court records retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.

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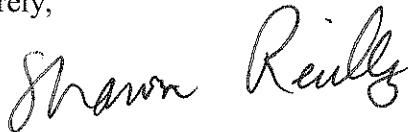
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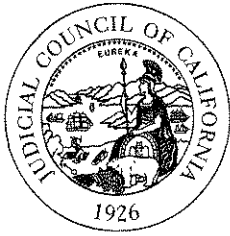
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Sharon Reilly
Senior Attorney

SR/lmb

cc: Members, Assembly Appropriations Committee
Hon. Marc Levine, Member of the Assembly
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
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FACT SHEET

March 2013

Assembly Bill 1352 (Levine): Court Records Retention

Assembly Bill 1352, sponsored by the Judicial Council of California, will update and revise court records retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.

Issue

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Proposal

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