

HOUSE BILL REPORT

HB 2402

As Passed Legislature

Title: An act relating to the records of the county clerk.

Brief Description: Authorizing the use of electronic copies for preservation of court record.

Sponsors: Representatives Sheahan, Lambert, Hatfield, Thompson, McDonald and Dunn.

Brief History:

Committee Activity:

Law & Justice: 1/23/98, 2/4/98 [DP].

Floor Activity:

Passed House: 2/10/98, 96-0.

Passed Legislature.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

Staff: Elizabeth Chambers (786-7291); Bill Perry (786-7123).

Background: The county clerk may destroy court documents if reproductions of the documents are kept in a manner reasonably assuring indefinite preservation. Currently, reproductions may be maintained only on photographic film, microphotographic, photostatic, or similar reproduction. However, courts have a number of projects underway involving electronic records.

Summary of Bill: County clerks may store document reproductions electronically if one of the following conditions is met:

- (1) the electronic reproductions are continuously updated, and if necessary, transferred to another medium to ensure that they are accessible through contemporary electronic or computerized systems; or

- (2) the electronic reproductions are scheduled to be reproduced on photographic film, microphotographic, photostatic, or similar media.

When copies of a county clerk's public records are transferred to the state archives for storage, the archives may provide certified copies of those records only with the written permission of that county clerk. Once the records are transferred, and the county clerk gives written permission, copies made by the archives will have the same force and effect as if they were made by the county clerk. Finally, contracts can be made between the county clerk and state archives for reproduction and certification of the copies.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill brings statutes up to date by including electronic records. It also gives clerks the ability to follow Supreme Court rules and business processes in the event they conflict with administrative rules promulgated by the Archives.

Testimony Against: None.

Testified: Debbie Wilke, Washington Association of County Officials for Clerks (pro).