
HOUSE BILL 2402

State of Washington

55th Legislature

1998 Regular Session

By Representatives Sheahan, Lambert, Hatfield, Thompson, McDonald and
Dunn

Read first time 01/13/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to the records of the county clerk; and amending
2 RCW 36.23.065 and 36.23.067.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.23.065 and 1981 c 277 s 10 are each amended to read
5 as follows:

6 Notwithstanding any other law relating to the destruction of court
7 records, the county clerk may cause to be destroyed all documents,
8 records, instruments, books, papers, depositions, and transcripts, in
9 any action or proceeding in the superior court, or otherwise filed in
10 his or her office pursuant to law, if all of the following conditions
11 exist:

12 (1) The county clerk maintains for the use of the public a
13 photographic film, microphotographic, photostatic, electronic, or
14 similar reproduction of each document, record, instrument, book, paper,
15 deposition, or transcript so destroyed: PROVIDED, That all receipts
16 and canceled checks filed by a personal representative pursuant to RCW
17 11.76.100 may be removed from the file by order of the court and
18 destroyed the same as an exhibit pursuant to RCW 36.23.070.

1 (2) At the time of the taking of (~~said~~) the photographic film,
2 microphotographic, photostatic, electronic, or similar reproduction,
3 the county clerk or other person under whose direction and control the
4 same was taken, attached thereto, or to the sealed container in which
5 the same was placed and has been kept, or incorporated in (~~said~~) the
6 photographic film, microphotographic, photostatic, electronic, or
7 similar reproduction, a certification that the copy is a correct copy
8 of the original, or of a specified part thereof, as the case may be,
9 the date on which taken, and the fact it was taken under (~~his~~) the
10 clerk's direction and control. The certificate must be under the
11 official seal of the certifying officer, if there be any, or if (~~he~~
12 ~~be~~) the certifying officer is the clerk of a court having a seal,
13 under the seal of such court.

14 (3) The county clerk promptly seals and stores at least one
15 original or negative of each such photographic film, microphotographic,
16 photostatic, electronic, or similar reproduction in such manner and
17 place as reasonably to assure its preservation indefinitely against
18 loss, theft, defacement, or destruction. Electronic reproductions are
19 acceptable media for this purpose if one of the following conditions
20 exists:

21 (a) The electronic reproductions are continuously updated and, if
22 necessary, transferred to another medium to ensure that they are
23 accessible through contemporary and supported electronic or
24 computerized systems; or

25 (b) The electronic reproductions are scheduled to be reproduced on
26 photographic film, microphotographic, photostatic, or similar media for
27 indefinite preservation.

28 (4) When copies of public records of the county clerk are
29 transferred to the state archives for security storage, the state
30 archives may only provide certified copies of those records with the
31 written permission of the county clerk who is custodian of those
32 records. When so transferred and authorized, the copies of the public
33 records concerned shall be made by the state archives, which
34 certification shall have the same force and effect as though made by
35 the county clerk who is custodian of the record. If there is a
36 statutory fee for the reproduction of the document, contracts can be
37 made between the county clerk and the state archives for reproduction
38 and certification of the copies, however no certification authority may

1 be transferred except as provided in this subsection and for records of
2 abolished or discontinued offices or agencies under chapter 40.14 RCW.

3 **Sec. 2.** RCW 36.23.067 and 1963 c 4 s 36.23.067 are each amended to
4 read as follows:

5 Any print, whether enlarged or not, from any photographic film,
6 including any photographic plate, microphotographic film, or
7 photostatic negative or similar reproduction, or from any electronic
8 record, of any original record, document, instrument, book, paper,
9 deposition, or transcript which has been processed in accordance with
10 the provisions of RCW 36.23.065, and has been certified by the county
11 clerk under his or her official seal as a true copy, may be used in all
12 instances, including introduction in evidence in any judicial or
13 administrative proceeding, that the original record, document,
14 instrument, book, paper, deposition, or transcript might have been
15 used, and shall have the full force and effect of (~~said~~) the original
16 for all purposes.

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