

Senate Bill 50

By: Senators Johnson of the 1<sup>st</sup> and Tanksley of the 32<sup>nd</sup>

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to clerks of the superior courts, so as to change the provisions relating to the duties  
3 of clerks of the superior courts; to provide for electronic collection and transmission of  
4 certain data and the use of and access to such data; to provide for the transmission of certain  
5 data to the Superior Court Clerks' Cooperative Authority and the retransmission of such data  
6 to the Georgia Crime Information Center, the Georgia Courts Automation Commission, and  
7 the Administrative Office of the Courts; to authorize the maintenance of records in digital  
8 format; to define certain terms; to provide that a clerk of a superior court electing to store  
9 records in digital format shall maintain back-up records or shall send copies of such digitally  
10 formatted records to the Georgia Department of Archives and History; to provide procedures  
11 for such transmittal; to provide for microfilming of certain records; to provide for furnishing  
12 of microfilm records and the costs and purchase thereof; to provide for related matters; to  
13 repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

15 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to  
16 clerks of the superior courts, is amended in Code Section 15-6-61, relating to duties of clerks  
17 generally, by designating the language of paragraph (17) of subsection (a) as subparagraph  
18 (A) and adding a new subparagraph (B) to read as follows:

19 "(B) To electronically collect and transmit to the Georgia Superior Court Clerks'  
20 Cooperative Authority all data elements required in subsection (g) of Code Section  
21 35-3-36 in a form and format required by the Superior Court Clerks' Cooperative  
22 Authority and the Council of Superior Court Clerks of Georgia. The electronic  
23 collection and transmission of data shall begin no later than January 1, 2002. The data  
24 transmitted to the authority pursuant to this Code section shall be transmitted to the  
25 Georgia Crime Information Center in satisfaction of the clerk's duties under subsection  
26

1 (g) of Code Section 35-3-36 and to the Georgia Courts Automation Commission who  
 2 shall provide the data to the Administrative Office of the Courts for use of the state  
 3 judicial branch. Public access to said data shall remain the responsibility of the Georgia  
 4 Crime Information Center. No release of collected data shall be made by or through the  
 5 authority;"

## 6 SECTION 2.

7 Said article is further amended by striking in its entirety subsection (a) of Code Section  
 8 15-6-62, relating to additional duties of clerks of the superior courts, and inserting in lieu  
 9 thereof the following:

10 "~~(a) The clerk of the superior court is required to record in well-bound books or on~~  
 11 ~~microfilm, within six months after the final determination of any civil action or criminal~~  
 12 ~~case, all the proceedings relating thereto. In the event that any clerk elects to microfilm~~  
 13 ~~proceedings, he shall make available a machine for reading and reproducing such~~  
 14 ~~microfilmed matters. The clerk of the superior court is required to record all the~~  
 15 ~~proceedings relating to any civil action or criminal case within six months after the final~~  
 16 ~~determination of the case. Such recording may be in well-bound books, on microfilm, or~~  
 17 ~~in digital format. If a clerk elects to record proceedings on microfilm or in digital format,~~  
 18 ~~he or she shall make available to the public a machine for reading and reproducing such~~  
 19 ~~microfilmed or digitally formatted records. If a clerk elects to record proceedings in digital~~  
 20 ~~format, the provisions of Code Section 15-6-62.1 shall apply."~~

## 21 SECTION 3.

22 Said article is further amended by inserting immediately following Code Section 15-6-62 a  
 23 new Code section to read as follows:

24 "15-6-62.1.

25 (a) As used in this Code section, the term:

26 (1) 'Back-up record' means a paper or microfilm copy of any record of the proceedings  
 27 relating to any civil action or criminal case which a clerk of superior court is required to  
 28 make pursuant to Code Section 15-6-62.

29 (2) 'Council' means the Council of Superior Court Clerks created by Code Section  
 30 15-6-50.2.

31 (3) 'Department' means the Georgia Department of Archives and History.

32 (b) Except as provided in subsection (d) of this Code section, a clerk of a superior court  
 33 electing to record proceedings in digital format as provided in subsection (a) of Code  
 34 Section 15-6-62 shall maintain back-up records and must do so in at least one of two ways:  
 35 either by the clerk permanently retaining the back-up records himself or herself or by

1 submitting the digitally formatted records to and having them permanently archived by the  
2 department as set forth in subsection (c) of this Code section.

3 (c) If a clerk of a superior court elects to submit the digitally formatted records to and have  
4 them permanently archived by the department pursuant to subsection (b) of this Code  
5 section, the clerk shall submit such records at least once every six months and in a format  
6 acceptable to the department and the council. Upon receipt, the department shall convert  
7 the digitally formatted records to microfilm and shall permanently maintain them in that  
8 format. If requested by the clerk of a superior court, the department shall make a copy of  
9 these microfilm records available for purchase by the clerk at a fee not to exceed the cost  
10 of producing the copies.

11 (d) If at any time the department certifies to the council that the department is not capable  
12 of creating the microfilm records from the digitally formatted records and permanently  
13 maintaining them as set forth in this Code section, then a clerk of superior court shall  
14 permanently maintain the back-up records himself or herself and shall continue to do so  
15 until the department certifies that it is capable of creating and permanently maintaining  
16 them."

17 **SECTION 4.**

18 All laws and parts of laws in conflict with this Act are repealed.