

House Bill 453

By: Representatives Heard of the 104<sup>th</sup>, England of the 108<sup>th</sup>, and Amerson of the 9<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to courts, so as to authorize the clerk of each superior court, state  
3 court, probate court, magistrate court, juvenile court, or municipal court to create and  
4 maintain digital copies of records, pleadings, orders, writs, process, or other documents  
5 submitted to or issued by the court in any criminal, quasi-criminal, juvenile, or civil  
6 proceeding or in any proceeding involving the enforcement of ordinances of local  
7 governments; to provide for requirements, practices, and procedures related to the digital  
8 storage and retrieval of such records; to provide for the destruction of the original copies of  
9 such documents; to provide for the payment of costs and expenses; to provide for exceptions;  
10 to provide for the alternative nature of the authority granted by this method of records  
11 management; to provide for other matters relative to the foregoing; to repeal conflicting laws;  
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general  
16 provisions relative to courts, is amended by striking Code Section 15-1-10, relating to  
17 removal of court records and storage thereof, and inserting in its place the following:

18 "15-1-10.

19 (a) No records or papers of any court shall be removed out of the county, except in cases  
20 of invasion whereby the same may be endangered, ~~or~~ by order of the court, or as otherwise  
21 provided in this Code section.

22 (b) Notwithstanding any other provision of this Code section, such records may be stored  
23 in accordance with the provisions of subsection (b) of Code Section 15-6-86 or  
24 subsection (c) of this Code section.

25 (c) With the prior written consent of the governing authority of the county or municipality  
26 and the prior written consent of the chief judge, judge of the probate court, or chief

1 magistrate of the affected court, the clerk of each superior court, state court, probate court,  
2 magistrate court, juvenile court, or municipal court in this state is authorized, but not  
3 required, to create and maintain digital copies of records, pleadings, orders, writs, process,  
4 and other documents submitted to or issued by the court in criminal, quasi-criminal,  
5 juvenile, or civil proceedings or in any proceedings involving the enforcement of  
6 ordinances of local governments. All digital copies created pursuant to this subsection shall  
7 be accurate copies of the original documents and shall be stored and indexed in such  
8 manner as to be readily retrievable in the office of the clerk during normal business hours.  
9 It shall be the duty of the clerk to provide and maintain software and computers, readers,  
10 printers, and other necessary equipment in sufficient numbers to permit the retrieval,  
11 duplication, and printing of such digitally stored documents in a timely fashion when  
12 copies are requested. A copy of such digitally stored document retrieved by the clerk shall  
13 be admissible in all courts in the same manner as the original document. If a second digital  
14 copy of a document is created and is stored in a secure facility away from the office of the  
15 clerk, so as to be available if the copy maintained in the office of the clerk is destroyed or  
16 damaged, and pursuant to such restrictions as may be imposed by the chief judge, judge of  
17 the probate court, or chief magistrate of such court, the clerk is authorized to destroy the  
18 original document. This subsection shall not apply to documents or records which have  
19 been ordered sealed by the court nor to documents which are placed in evidence in a  
20 proceeding. The costs of creating and storing digital copies of documents and providing the  
21 necessary software and equipment to retrieve and reproduce such documents shall be paid  
22 from funds available for the operation of the court. The provisions of this subsection shall  
23 constitute an additional and alternative method of records management and shall not  
24 supersede or repeal Code Section 15-6-62, 15-6-62.1, 15-6-86, or 15-6-87."

25

**SECTION 2.**

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