

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 4-302:	)	No. 2014 - <u>115</u>
LIMITED JURISDICTION COURT	)	(Affecting Administrative
RECORDS RETENTION AND	)	Order No. 2008-88)
DISPOSITION SCHEDULE	)	
	)	

A revision of the above-captioned section of the Arizona Code of Judicial Administration (ACJA) came before the Arizona Judicial Council (AJC) on October 23, 2014, and was approved and recommended for adoption.

Additionally, in 2013 the AJC approved the recommendations of the Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records. One of the approved recommendations requires all Arizona trial courts, by January 1, 2016, to implement an automated process for the destruction of electronic case records pursuant to the retention schedule.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 4-302 is revised as indicated on the attached document, effective January 1, 2015, and applies to all records in existence on that date.

IT IS FURTHER ORDERED that courts operating case management systems design an automated electronic records destruction process for their systems, with implementation and a copy of the court's process provided to the AOC by January 1, 2016, unless a court applies to the Commission on Technology for additional time to implement this requirement due to technology resource and funding constraints.

IT IS FURTHER ORDERED that the Administrative Office of the Courts (AOC) develop an automated process for the destruction of case records contained in the AOC-maintained case management system by January 1, 2016.

Dated this 12th day of November, 2014.

SCOTT BALES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 4: Limited Jurisdiction Courts
Chapter 3: Administration
Section 4-302: Records Retention and Disposition Schedule

A. Definitions. In this section, the following definitions apply:

~~“Administrative records” means records that are not part of an official case file and includes records that relate to the conduct of business by the court, such as personnel, and Committee on Judicial Education and Training (COJET) records.~~

“Case file” means all documents and other material filed with the clerk in an action or proceeding, either in paper or electronic format, including depositions, transcripts, and case financial records. Case file also includes case management system data but does not include exhibits submitted at a hearing or trial.

~~“Case record” means pleadings, documents and other information that have legal relevance to the adjudication of any aspect of a case and includes all documents and financial records related to the case.~~

“Completion of Sentence” and “Satisfaction of Sanctions” mean payment of all fines, fees, and restitution along with compliance with all requirements of the court’s order or law.

~~“Final adjudication” means the point when a case is no longer subject to modification, as defined in Rule 28.1, Rules of Criminal Procedure and Rule 94(h), Rules of the Supreme Court.~~

~~“Financial court records” means administrative records relating to financial activity of the court including statements, reconciliations, canceled checks, check stubs, cash receipts, cash books, any revenue records, financial/budgetary reports, payment records (including jury payment records), and constable logs.~~

~~“Non-filed records” means documents relating to court action where no case is filed including arrest records, jail records, and other documents received by or prepared by the court for purposes of conducting an initial appearance but where no complaint is subsequently filed.~~

~~“Record” means any documentary material, regardless of physical form or characteristic, such as information maintained in a case management system that may be used to reproduce a document and any other case related data, including a photographic or electronic reproduction or image substituted for the original pursuant to Rules 29(D) and 94(g), Rules of the Supreme Court.~~

“Records Manager” means the person or persons responsible for keeping and disposing of any records held by the court or any department of the court.

~~“Retention period” means the period of time during which records must be kept before they may be disposed of, usually a period of years and sometimes contingent upon an event.~~

B. General Provisions

1. Electronic Case Files and Case Data. At the end of the retention period set forth in section E below, a records manager must destroy electronic case files and case data.
2. Paper Case Files and Administrative Records. At the end of the retention period set forth in section E below, a records manager may destroy case files that are primarily paper in format and all other records, regardless of format.
3. The State Library, Archives, and Public Records (LAPR) is the division of the Arizona Secretary of State that is the archives for Arizona state government. LAPR has decided not to collect limited jurisdiction court records except for case files that have been designated as historically significant or landmark and presiding judge business papers. A presiding judge, upon the completion of the presiding judge’s term may offer his or her business papers to LAPR. Other than with the exceptions set forth in this paragraph, a municipal or justice court need not notify LAPR prior to destruction of records.
4. Conflicting Legal Authority. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, applies.
5. Destruction. When a paper case file or other paper record is eligible for destruction, the records manager shall take proper precautions to protect the privacy of the individuals identified in the case file or other record and destroy the complete case file or other record by shredding, burning, or pulverizing the physical case file or other record. Electronic images of case file documents or other records and case or other records data shall be deleted from all places in which they or it reside(s), including servers and hard drives. The court may keep a list, containing minimal information, such as case number, case type, party name, and date of destruction, capturing any case files or other records destroyed, so that the court will know that a case file or other record has been destroyed and has not been merely misplaced or never existed.

C. Historically Significant and Landmark Cases. Records managers shall comply with the following procedures for designating and transferring cases determined to be historically significant or landmark:

1. Designation of a case as historically significant
 - a. Purpose. Certain cases filed in Arizona courts may be identified as historically significant because of the unique legal issue or controversy involved, the prominence of one or more of the parties to the action, or because of other high profile or newsworthy reasons. When there is reason to believe that a case falls into this category, the following procedures shall be followed.

- b. Procedure for designating a case as historically significant. A motion to request that a case be designated historically significant shall be filed either by a member of the public or on the court's own motion. The motion shall identify one or more reasons the case should be designated historically significant. The presiding judge shall decide the motion. If the motion is denied, the presiding judge shall identify the reason for the denial. The clerk shall file the order granting or denying the motion for historically significant designation with the case.
- c. Processing and transferring. If the motion is granted, the records manager shall, within 90 days of final disposition, transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, and any microfilm to LAPR for permanent retention. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as historically significant shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

2. Designation of a case as landmark

- a. The following factors shall be considered in deciding whether a case is landmark:
 - (1) The frequency with which the case has been cited;
 - (2) Whether the case has been designated as historically significant;
 - (3) Whether the case caused a change in policies or laws;
 - (4) Whether the case affected a large portion of the community and was controversial;
 - (5) Whether the case is generally viewed by the community as important;
 - (6) Whether the case involved a famous or notorious individual or was the subject of a well-known book or film; and
 - (7) Any other relevant factor.
 - (8) Any case that has been the subject of a published opinion of the United States Supreme Court and has statewide or national impact shall be designated as a landmark case.
- b. Procedure for designating a case as landmark
 - (1) The Arizona Historical Records Advisory Board shall designate a case as landmark under section (C)(2)(a)(1) and (3)–(8), above, in consultation with a committee convened by the Board for this purpose. The committee shall consist of Board members, retired appellate court judges or justices, law professors, historians, or other like persons who have objective, informed views about the long-term significance and effect of eligible published appellate opinions. The committee shall meet periodically to review all published appellate opinions no

less than five years and no more than nine years after issued to determine whether any of these cases should be designated as landmark.

(2) No more than ten years after an appellate opinion is issued, and with the Board's approval, the Director of the Division of Arizona History and Archives shall provide written notice of landmark designation to the records manager of the court of origin, the clerk of the appropriate division of the court of appeals, and the clerk of the supreme court who shall apply the process for transferring the case to LAPR pursuant to (C)(2)(c), below.

(3) Landmark designation under subsection (C)(2)(a)(2) above shall be made by the presiding judge in the court of origin.

c. Processing and transferring. When a case has been designated as landmark, the clerk shall file the notice of this designation in the case. The records manager shall immediately transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, and any microfilm to LAPR for permanent retention. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as landmark shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

BD. Authority. Az. Const., Art. 6, §§ 3 and 23 authorize the supreme court to administer the courts of this state. Rule 29, Rules of the Supreme Court, requires the supreme court to adopt retention and disposition schedules for court records. A.R.S. §§ 22-124 and -428 authorize the municipal and justice courts to maintain and destroy records pursuant to rules established by the supreme court.

CE. Retention and Disposition Schedule. Justice and municipal courts shall retain records according to the following schedule:

ARIZONA SUPREME COURT Records Retention and Disposition Schedule <i>FOR USE BY LIMITED JURISDICTION COURTS</i>			
No.	Record Series	Retention Period	Remarks
1.	CASE RECORDS		
	A. Civil case records		
	— i. Civil traffic	1 year	After final adjudication and satisfaction of sanctions.
	— ii. Civil traffic defaults	1 year	After satisfaction of sanctions.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY LIMITED JURISDICTION COURTS

No.	Record Series	Retention Period	Remarks
	— iii. Parking violations (including statute and local ordinance)	6 months	After final adjudication and satisfaction of sanctions.
	— iv. Parking defaults	6 months	After satisfaction of sanctions.
	— v. Civil other than traffic		
	i. Order of protection, injunction against harassment, and workplace injunction against harassment filings		
	i. Petitions not granted, and orders dismissed	1 year	After denial or dismissal.
	ii. Orders granted	3 years	After expiration of the order.
	b. Local ordinances (other than parking)	1 year	After final adjudication and satisfaction of judgment.
	c. Detainers (forcible & special)	5 years	After final judgment.
	d. Small claims	5 years	After final judgment.
	e. Other civil cases	5 years	After final judgment.
	B. Criminal case records		
	i. Felony filings	6 months	After discharge or transmittal to superior court.
	ii. Misdemeanors and criminal traffic	5 years	After final adjudication and completion of sentence.
	a. DUI and OUI	7 years	After final adjudication and completion of sentence.
	b. Domestic violence offenses	7 years	After final adjudication and completion of sentence.
	c. Petty offenses	1 year	After final adjudication and completion of sentence.

ARIZONA SUPREME COURT Records Retention and Disposition Schedule FOR USE BY LIMITED JURISDICTION COURTS			
No.	Record Series	Retention Period	Remarks
	C. Audio/video/stenographic recordings of court proceedings	6 months	After final adjudication.
	D. Non-filed records	6 months	After created.
	E. Exhibits	90 days	After final adjudication.
2.	ADMINISTRATIVE RECORDS		
	A. Personnel records maintained by the court		As determined by local policy.
	B. COJET records	As required by COJET	Reference Administrative Guidelines for Judicial Education in Arizona—reporting requirements.
	C. Non-financial jury records	90 days	After receipt by the court or expiration of the jury list.
	D. Statistical reports (to supreme court)	1 year	After applicable fiscal year.
	E. Financial court records	3 years	After fiscal year created or received.
	F. Administrative records not otherwise specified above, such as citation logs, defensive driving reconciliation logs	1 year	From date prepared.
	G. Search warrants	1 year	From date of return. If not returned, may be destroyed immediately upon expiration.
	H. Administrative orders and directives	Permanent	
	I. Report/certificate of records destruction	Permanent	

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
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CASE FILES

	<u>A. Civil traffic</u>			
<u>1.</u>	<u>i. Civil traffic, non-default</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>	<u>5 years after final adjudication and satisfaction of sanctions</u>
<u>2.</u>	<u>ii. Civil traffic default</u>	<u>1 year after satisfaction of sanctions</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>	<u>5 years after final adjudication and satisfaction of sanctions</u>
<u>3.</u>	<u>iii. Parking violation, non-default, both statute and local ordinance</u>	<u>6 months after final adjudication and satisfaction of sanctions</u>	<u>6 months after final adjudication and satisfaction of sanctions</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>
<u>4.</u>	<u>iv. Parking violation, default, both statute and local ordinance</u>	<u>6 months after satisfaction of sanctions</u>	<u>6 months after satisfaction of sanctions</u>	<u>1 year after satisfaction of sanctions</u>
	<u>B. Civil, other than traffic</u>			

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>5.</u>	i. <u>Order of protection, injunction against harassment, and injunction against workplace harassment – petitions granted</u>	<u>3 years after expiration of the order</u>	<u>3 years after expiration of the order. Only information regarding orders that have been served on the defendant can appear on court websites. See ARPOP 1(C)(6). No information about the plaintiff may appear. See 18 USC § 2265(d)(3).</u>	<u>3 years after expiration of the order</u>
<u>6.</u>	ii. <u>Order of protection, injunction against harassment, and injunction against workplace harassment – petitions not granted</u>	<u>1 year after denial or dismissal</u>	<u>N/A. Petitions not granted cannot appear on any court websites. See ARPOP 1(C)(6)</u>	<u>1 year after denial</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
7.	iii. <u>Orders dismissed</u>	<u>3 years after dismissal of the order</u>	<u>3 years after dismissal of the order. Only information regarding orders that have been served on the defendant can appear on court websites. See ARPOP 1(C)(6). No information about the plaintiff may appear. See 18 USC § 2265(d)(3).</u>	<u>3 years after dismissal of the order</u>
8.	iv. <u>Local ordinance violation, other than parking (See A. iii. and A. iv., above, for parking violations)</u>	<u>1 year after final adjudication and satisfaction of judgment</u>	<u>Not available on Arizona Judicial Branch Public Access to Case Information website. May be available on local court website for 1 year after final adjudication and satisfaction of judgment</u>	<u>5 years after final adjudication and satisfaction of judgment</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>9.</u>	<u>v. Eviction</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal</u>
<u>10.</u>	<u>vi. Small claims</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal</u>
<u>11.</u>	<u>vii. General civil case, other than small claims</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment</u>	<u>6 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment</u>
	<u>C. Criminal</u>			
<u>12.</u>	<u>i. Felony</u>	<u>6 months after discharge or transmittal to superior court</u>	<u>6 months after discharge or transmittal to superior court</u>	<u>6 months after discharge or transmittal to superior court</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>13.</u>	<u>ii. Misdemeanor and criminal traffic</u>	<u>5 years after final adjudication and completion of sentence</u>	<u>5 years after final adjudication and completion of sentence</u>	<u>10 years after final adjudication and completion of sentence</u>
<u>14.</u>	<u>iii. DUI and OUI</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>10 years after final adjudication and completion of sentence</u>
<u>15.</u>	<u>iv. Domestic violence offense</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>10 years after final adjudication and completion of sentence</u>
<u>16.</u>	<u>v. Petty offense</u>	<u>1 year after final adjudication and completion of sentence</u>	<u>1 year after final adjudication and completion of sentence</u>	<u>1 year after final adjudication and completion of sentence</u>
<u>RECORD OF COURT PROCEEDING</u>				
<u>17.</u>	<u>A. The verbal record, including court reporter notes and electronic recordings of a court proceeding, hearing, or trial</u>	<u>No more than 3 years from completion of the case</u>	<u>N/A</u>	<u>N/A</u>
<u>MISCELLANEOUS RECORDS</u>				

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>18.</u>	<u>A. Records created or received by the court, but not filed</u>	<u>6 months after created or received, whichever is later</u>	<u>N/A</u>	<u>N/A</u>
<u>19.</u>	<u>B. Exhibits submitted at trial or hearing in any case type</u>	<u>Upon dismissal, disposition, or final appellate ruling, whichever comes later, and then 60 days after mailing notice to responsible persons to claim all evidence, all unless otherwise ordered by the court</u>	<u>N/A</u>	<u>N/A</u>
<u>ADMINISTRATIVE RECORDS</u>				
<u>20.</u>	<u>A. Chief presiding judge business papers</u>	<u>Until term is completed. The presiding judge may then contact LAPR to determine whether they wish to receive these papers.</u>	<u>N/A</u>	<u>N/A</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>21.</u>	<u>B. Records held by a court human resources department</u>	<u>As required by law or local policy, whichever is later</u>	<u>N/A</u>	<u>N/A</u>
<u>22.</u>	<u>C. COJET records</u>	<u>After reference value served</u>	<u>N/A</u>	<u>N/A</u>
<u>23.</u>	<u>D. Jury records, non-financial</u>	<u>90 days from the date received by the court</u>	<u>N/A</u>	<u>N/A</u>
<u>24.</u>	<u>E. Statistical reports required by the AOC</u>	<u>1 year after the fiscal year prepared</u>	<u>N/A</u>	<u>N/A</u>
	<u>F. Court administration financial records</u>			
<u>25.</u>	<u>i. Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record</u>	<u>3 years after the fiscal year created or received</u>	<u>N/A</u>	<u>N/A</u>
<u>26.</u>	<u>ii. Expenditure records, including vouchers</u>	<u>3 years after the fiscal year prepared</u>	<u>N/A</u>	<u>N/A</u>
<u>27.</u>	<u>iii. Periodic summary budget reports</u>	<u>3 years after the fiscal year prepared</u>	<u>N/A</u>	<u>N/A</u>
<u>28.</u>	<u>iv. Periodic financial reports to state and local agencies</u>	<u>3 years after the fiscal year prepared</u>	<u>N/A</u>	<u>N/A</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>29.</u>	<u>v. Triennial external review report required by the minimum accounting standards</u>	<u>Until subsequent audit received</u>	<u>N/A</u>	<u>N/A</u>
<u>30.</u>	<u>vi. Applications, records, and reports for grants received</u>	<u>3 years after submission of final grant report, unless otherwise required by the granting authority</u>	<u>N/A</u>	<u>N/A</u>
<u>31.</u>	<u>G. Administrative records not otherwise specified above.</u>	<u>1 year from date prepared or received, or until reference value served, whichever is earlier</u>	<u>N/A</u>	<u>N/A</u>
<u>32.</u>	<u>H. Warrants that are not part of a case file</u>	<u>1 year from date of return; If not returned, destroy upon expiration</u>	<u>N/A</u>	<u>N/A</u>
<u>33.</u>	<u>I. Administrative orders and directives</u>	<u>Permanent</u>	<u>N/A</u>	<u>N/A</u>

~~D. Extended Retention Policies.~~ The retention periods are minimums and in certain circumstances courts may need to keep some records for longer periods. However, it is recommended that courts make an effort to follow the schedule and establish a routine to destroy records after retention periods expire. Each court shall establish and maintain a written policy to apply to any records retained beyond these minimum standards.

~~E. Destruction of Records.~~ When records are eligible for destruction, courts shall take precautions to protect the privacy of individuals by insuring that appropriate destruction arrangements are made.