

IN THE SUPREME COURT OF THE STATE OF ARIZONA

| | | |
|--------------------------|---|-----------------------------|
| In the Matter of: |) | |
| |) | |
| ARIZONA CODE OF JUDICIAL |) | Administrative Order |
| ADMINISTRATION § 4-302: |) | <u>No. 2006 - 94</u> |
| RECORDS RETENTION AND |) | |
| DISPOSITION |) | |
| <hr/> |) | |

The above captioned provision having come before the Arizona Judicial Council on October 12, 2006, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 1st day of November, 2006.

RUTH V. MCGREGOR
Chief Justice

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

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 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.

“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.

“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. 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.

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

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

| 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. |
| | 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 | | |
| | a. 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. |

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

| No. | Record Series | Retention Period | Remarks |
|-----------|---|----------------------|---|
| | a. DUI | 7 years | After final adjudication and completion of sentence. |
| | b. Petty offenses | 1 year | After final adjudication and completion of sentence. |
| | 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 | |

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.