



LOCAL SCHEDULE LC

Retention Schedule for Records of Justice and Municipal Courts

Effective February 1, 1992

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule LC sets mandatory minimum retention periods for records series (identified in the Records Series Title column) that are usually found in justice and/or municipal courts. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable

FE - Fiscal year end

US - Until Superseded

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RECORDS OF JUSTICE AND MUNICIPAL COURTS

Retention Note: Notwithstanding any retention periods set in this schedule, all case papers, dockets, or other records of a municipal or justice court dated 1876 or earlier **must** be retained permanently. This schedule also recommends, **but does not require**, that criminal dockets dated from 1877 to 1920 be retained permanently for historical reasons.

PART 1: CIVIL AND CRIMINAL RECORDS

2350-01 APPEAL OR TRANSFER RECORD - Record or register of cases appealed from a court and/or records of case transfers as a result of an examining trial. RETENTION: AV. (Exempt from destruction request requirement)

2350-02 BAIL BOND RECORDS - Ledgers or books recording the setting or taking by the court of bail or recognizance bonds. RETENTION: 3 years.

2350-03 CASE PAPERS (including documentation maintained by a court arising from the actions of its judge as a magistrate)

a) Administrative hearing case papers. RETENTION: 1 year after judgment rendered or proceedings terminated. (Exempt from destruction request requirement)

b) Civil case papers (including small claims and scire facias). RETENTION: 10 years after case closed.

Retention Note: Case papers of cases dismissed for want of prosecution, on motion of the plaintiff, or for other reasons within the power of the court need only be retained for 4 years from the date the case was originally filed.

c) Criminal case papers (including traffic offenses and violations of municipal ordinances) *except:* RETENTION: 5 years from date of offense.

1) Papers in cases dismissed for want of prosecution or for other reasons within power of the court. RETENTION: 5 years from date of offense.

2) Unserved arrest warrants for misdemeanors within jurisdiction of the court. RETENTION: 4 years after issuance.

Retention Note: Prior to the purging and disposal of any unserved arrest warrants under this item number, the warrants must be dismissed by the judge in a manner permitted by law. If a judge dismisses unserved warrants at any time prior to 4 years after issuance, they still must be retained until the expiration of the retention period.

3) Parking or pedestrian violation tickets that have been cleared by payment, dismissal, or other action. RETENTION: 6 months. (Exempt from destruction request requirement, unless the tickets must be retained for FE + 3 years)

Retention Note: It is an exception to the 6-month retention period that if the tickets are used as vouchers for direct posting to receipt journals or ledgers, the tickets must be retained for FE + 3 years.

d) Examining trial case papers. RETENTION: AV. (Exempt from destruction request requirement)

Retention Note: If copies of statutory warnings are maintained only as carbons in bound volumes, the volumes must be retained for 5 years after last entry.

2350-04 DOCKETS AND DOCKET SHEETS

Retention Notes: a) The retention periods in this record group also apply to docket sheets or the record equivalent in purpose to a docket in those courts that do not maintain dockets in bound volumes.

b) If any docket listed under (a)-(f) contains records of inquests, it must be retained permanently.

a) Civil docket (including small claims and scire facias). RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

b) Criminal docket (including traffic offenses and violations of municipal ordinances). RETENTION: 5 years.

c) Civil and criminal docket (recording cases of both types in one volume). RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

d) Administrative hearing docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

e) Execution docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

f) Examining trial dockets. RETENTION: 5 years.

g) Call dockets or docket sheets or any other working copy or preliminary version of a docket or docket sheet for the use of clerks, bailiffs, or judges before entry of the information into any of the dockets noted under (a)-(f). RETENTION: AV after entry of information into court docket. (Exempt from destruction request requirement)

2350-05 FEE BOOKS - Books or ledgers detailing fees or costs accrued in cases heard by the court and status of payment or waiver of costs or fees, if maintained separately from dockets. RETENTION: FE + 5 years.

2350-06 JURY RECORDS

- a) Jury venire lists. RETENTION: 1 year. (Exempt from destruction request requirement)
- b) Juror information and reply forms. RETENTION: 1 year. (Exempt from destruction request requirement)

2350-07 PROCESS LOGS/ PROCESS REGISTERS - Stub books, carbon books, logs, or registers listing warrants, subpoenas, summonses, or citations issued by or under the authority of the court. RETENTION: 5 years.

2350-08 REPORTS TO STATE AGENCIES

- a) Statistical reports to the Texas Judicial Council. RETENTION: 3 years.
- b) Reports of motor carrier convictions (State Comptroller Form 40-109 or equivalent). RETENTION: AV. (Exempt from destruction request requirement)
- c) Traffic conviction abstracts and reports of death arising from traffic accidents submitted to the Texas Department of Public Safety. RETENTION: AV. (Exempt from destruction request requirement)

2350-09 WITNESS RECORD - Register of witnesses subpoenaed, attached, or recognized in criminal cases, if maintained separately from the criminal dockets. RETENTION: 5 years.

PART 2: INQUEST RECORDS

2375-01 FIRE INQUEST RECORDS

- a) Case papers. RETENTION: AV. (Exempt from destruction request requirement)
- b) Docket or record. RETENTION: PERMANENT.

2375-02 INQUEST RECORDS

- a) Case papers.
 - 1) Arising from inquests or inquest hearings initiated August 31, 1987 or earlier. RETENTION: Destroy at option. (Exempt from destruction request requirement)

2) Arising from inquests or inquest hearings initiated September 1, 1987 and after.
RETENTION: PERMANENT. [By law - Code of Criminal Procedure, art. 49.15(b).]

Retention Note: Prior to September 1, 1987 case papers arising from an inquest were forwarded by the justice to the district clerk. Since that date case papers are retained and become a part of the inquest docket or record and only an inquest summary report is forwarded. The only case papers retained by a justice of the peace or other magistrate before September 1, 1987 are likely to be copies of materials forwarded. Creation and retention of copies was not required by law.

b) Docket or record. RETENTION: PERMANENT. [By law - Code of Criminal Procedure, art. 49.15(b).]

PART 3: VITAL STATISTICS RECORDS

Retention Notes: a) Since 1927, each justice of the peace precinct serves as a primary registration district for the registry of births and deaths, unless, by agreement, the county clerk assumes primary registration duties. The records in this section arise from the duties of justice of the peace as a local registrar.

b) This section applies to and is binding upon city clerks or secretaries who serve as local registrars of vital statistics.

2400-01 BIRTH AND DEATH RECORD (combination of the Birth Record and Death Record).
RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

2400-02 BIRTH RECORD (REGISTER OF BIRTHS) - Recorded or bound duplicate copies of birth certificates, delayed birth certificates, or amended birth certificates. RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

2400-03 BURIAL TRANSIT PERMIT RECORDS - Stubs, copies, or lists of burial transit permits issued. RETENTION: 2 years.

2400-04 DEATH RECORD (REGISTER OF DEATHS) - Recorded or bound duplicate copies of death certificates, fetal death certificates, or amended death certificates. RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

2400-05 DISINTERMENT RECORD

a) Copies of disinterment permits. RETENTION: PERMANENT.

b) Applications for permits. RETENTION: 2 years.

2400-06 NOTIFICATIONS OF DEATH OF PERSONS UNDER 55 - Abstracts, transcripts, or copies of death certificates from the Bureau of Vital Statistics of persons under age 55 (or under 18 prior to May 1987), whose birth certificates are recorded in an office of a local registrar. RETENTION: Until notation made in Birth Record. (Exempt from destruction request requirement)

2400-07 REPORTS OF DEATH - Reports of death filed by funeral directors or persons acting as such. RETENTION: Until receipt of death certificate. (Exempt from destruction request requirement)

PART 4: MISCELLANEOUS RECORDS

Retention Note: For financial, personnel, or administrative records of a justice or municipal court not listed in this section see Local Schedule GR.

2425-01 ACKNOWLEDGMENT RECORD - Record of acknowledgments or proofs of instruments taken by justices of the peace. RETENTION: 10 years.

2425-02 COST DEPOSIT RECORDS - Journal, ledger, or similar records detailing receipts to and disbursements from monies deposited to cover costs in civil proceedings. RETENTION: FE + 5 years.