

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
136-36 (COR)	Therese M. Terlaje	AN ACT TO <i>AMEND</i> §7120 OF CHAPTER 7, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE PRESERVATION AND DISPOSITION OF COURT RECORDS.	5/6/21 4:33 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 136-36 (COR)

Introduced by:

Therese M. Terlaje ^{TMT}

**AN ACT TO AMEND §7120 OF CHAPTER 7, TITLE 7,
GUAM CODE ANNOTATED, RELATIVE TO THE
PRESERVATION AND DISPOSITION OF COURT
RECORDS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** It is the intent of *I*
3 *Liheslaturan Guåhan* to provide that the appropriate disposition and preservation of
4 court records be governed by court rules and policies promulgated by the Supreme
5 Court of Guam, and any laws that apply specifically to certain types of cases and/or
6 certain types of court records.

7 **Section 2.** §7120 of Chapter 7, Title 7, Guam Code Annotated, is hereby
8 *amended* to read as follows:

9 **“§7120. Copying and Disposition of Court Records.**

10 (a) The clerk of the Superior Court and of the Supreme Court, respectively,
11 may cause any record, paper or document in their ~~his~~ care and custody, to be
12 photographed, microphotographed, or otherwise reproduced on film or in
13 ~~computerized~~ digitized form. The storage media shall be durable and the document

1 as recorded shall be one which accurately reproduces the original thereof in all
2 material details.

3 (b) Such photograph, or microphotograph or digitized reproduction shall be
4 deemed to be an original record for all purposes, including introduction in evidence
5 in all courts or administrative agencies. A transcript, exemplification, facsimile, or
6 certified copy thereof shall, for all purposes recited herein, be deemed to be a
7 ~~transcript, exemplification, facsimile, or certified copy thereof shall for purposes~~
8 ~~recited herein, be deemed to be~~ a transcript, exemplification, facsimile, or certified
9 copy of the original record.

10 (c) Such photograph, or microphotograph or reproduction shall be placed in
11 safe, conveniently accessible files, or in safe computer storage, and the clerk shall
12 make provisions for preserving the same, and for the public's examining, copying
13 and using the same. The original record, paper or document ~~shall not be destroyed~~
14 ~~but shall be preserved~~ or disposed of in accordance with rules of court and policies
15 promulgated by the Supreme Court or Guam and applicable law.

16 (d) ~~The Judicial Council shall~~ Supreme Court of Guam may promulgate rules
17 ~~regulations~~ to effectuate this section; provided, that ~~the existing Rule 93 of the Guam~~
18 ~~Rules of Civil Procedure~~ any existing rule promulgated by the Supreme Court of
19 Guam shall be deemed to be in compliance with this section and no additional rules
20 need to be promulgated to enforce this section.

21 ~~(e) (1) When the clerk so establishes computerized storage of records and~~
22 ~~papers not originally kept in computerized form, he shall keep a parallel microfilm~~
23 ~~or photographic storage of the same records until such time as established national~~
24 ~~standards, properly followed, will give the same degree of permanency to the~~
25 ~~electronic storage as is required for the microfilmed records of a similar category.~~

1 ~~(2) The documents retrieved from electronic storage of nonelectronic originals~~
2 ~~shall be deemed to be as admissible as records reproduced from any other means of~~
3 ~~storage provided for in this section.~~