

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 855*

Short Title: Court Information Remote Access.

(Public)

Sponsors: Senator Ballance.

Referred to: Judiciary.

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE
OF THE COURTS TO CONTRACT WITH THIRD PARTIES TO PROVIDE
REMOTE ELECTRONIC ACCESS TO COURT INFORMATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-109 reads as rewritten:

"§ 7A-109. Record-keeping procedures.

(a) Each clerk shall maintain such records, files, dockets and indexes as are prescribed by rules of the Director of the Administrative Office of the Courts. Except as prohibited by law, these records shall be open to the inspection of the public during regular office hours, and shall include civil actions, special proceedings, estates, criminal actions, juvenile actions, minutes of the court, judgments, liens, lis pendens, and all other records required by law to be maintained. The rules prescribed by the Director shall be designed to accomplish the following purposes:

(1) To provide an accurate record of every determinative legal action, proceeding, or event which may affect the person or property of any individual, firm, corporation, or association;

(2) To provide a record during the pendency of a case that allows for the efficient handling of the matter by the court from its initiation to conclusion and also affords information as to the progress of the case;

- 1 (3) To provide security against the loss or destruction of original documents
2 during their useful life and a permanent record for historical uses;
- 3 (4) To provide a system of indexing that will afford adequate access to all
4 records maintained by the clerk;
- 5 (5) To provide, to the extent possible, for the maintenance of records
6 affecting the same action or proceeding in one rather than several units;
7 and
- 8 (6) To provide a reservoir of information useful to those interested in
9 measuring the effectiveness of the laws and the efficiency of the courts
10 in administering them.
- 11 (b) The rules shall provide for indexing according to the minimum criteria set out
12 below:
- 13 (1) Civil actions – the names of all parties;
- 14 (2) Special proceedings – the names of all parties;
- 15 (3) Administration of estates – the name of the estate and in the case of
16 testacy the name of each devisee;
- 17 (4) Criminal actions – the names of all defendants;
- 18 (5) Juvenile actions – the names of all juveniles;
- 19 (6) Judgments, liens, lis pendens, etc. – the names of all parties against
20 whom a lien has been created by the docketing of a judgment, notice of
21 lien, transcript, certificate, or similar document and the names of all
22 parties in those cases in which a notice of lis pendens has been filed
23 with the clerk and abstracted on the judgment docket.
- 24 (c) The rules shall require that all documents received for docketing shall be
25 immediately indexed either on a permanent or temporary index. The rules may prescribe
26 any technological process deemed appropriate for the economical and efficient indexing,
27 storage and retrieval of information.
- 28 (d) In order to facilitate public access to court records, except where public access
29 is prohibited by law, the Director may enter into one or more nonexclusive contracts
30 under reasonable cost recovery terms with third parties to provide remote electronic
31 access to the records by the public."
- 32 Section 2. If any contracts entered into under G.S. 7A-109(d) are in effect
33 during any calendar year, the Director of the Administrative Office of the Courts shall
34 submit to the Joint Legislative Commission on Governmental Operations not later than
35 February 1 of the following year a report on all those contracts.
- 36 Section 3. This act is effective when it becomes law.