

No. 146, S.]

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CHAPTER 230

AN ACT to repeal 327.30 (3), (4) and (5); to renumber 327.30 (6); to amend 59.715 (intro. par.) and (20), 59.716 (4), 59.717 (3) and 327.30 (2); and to create 327.30 (3) of the statutes, relating to microfilming of county records including records of all courts of record, destruction of certain obsolete records and use of copies in lieu of original records.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.715 (intro. par.) of the statutes is amended to read:

59.715 (intro. par.) Whenever necessary to gain needed vault and filing space, county or court officers and the custodian of the records of all courts of record in the state may, subject to * * * ss. 59.716 and 59.717, destroy obsolete records in their custody as follows:

SECTION 2. 59.715 (20) of the statutes is amended to read:

59.715 (20) Court records and exhibits in any civil * * *, criminal action * * * and proceeding, or probate proceedings of any nature under the jurisdiction of the courts of record in the state, provided the same shall first be photographed or microphotographed and preserved as provided in s. 327.30 in all cases except exhibits not of a documentary nature:

(a) After * * * 10 years from the entry of a final order or judgment therein, or

(b) After * * * 10 years from the date when the same shall have been commenced; provided that the same shall have been dormant for 10 years and that the destruction thereof shall be authorized by the order of * * * the judge of the court whose records are to be destroyed, or

(c) Upon a written order of the judge of the court, the records of which are to be destroyed, the records and exhibits of that court which the judge deems obsolete and useless, but not including inventories and final accounts of deceased persons, may be destroyed after 10 years as provided in pars. (a) and (b) without being first reproduced, photographed or microphotographed.

SECTION 3. 59.716 (4) of the statutes is amended to read:

59.716 (4) Records of any court in the state which have been photographed or microphotographed under * * * s. 59.715 (20) or deemed obsolete and useless and ordered destroyed by the judge of the court whose records are to be destroyed as provided in s. 59.715 (20).

SECTION 4. 59.717 (3) of the statutes is amended to read:

59.717 (3) Records of any court of record in the state which have been photographed or microphotographed under * * * s. 59.715 (20) or deemed obsolete and useless and ordered destroyed by the judge of the court whose records are to be destroyed as provided in s. 59.715 (20).

SECTION 5. 327.30 (2) of the statutes is amended to read:

327.30 (2) Any elected or appointed officer of any county or the court clerk of any court maintained in whole or in part by the county including all courts of record in the state may cause any of the public records, papers * * *, documents, or court records listed in s. 59.715 and kept by him to be photographed, microphotographed * * * or otherwise reproduced on film after the expiration of the respective period of limitation specified for such record, paper * * *, document and court record in ss. 59.23 (8) and 59.715.

SECTION 6. 327.30 (3) and (4) of the statutes are repealed.

SECTION 7. 327.30 (3) of the statutes is created to read:

327.30 (3) COPY TO BE DEEMED TO BE ORIGINAL RECORD. (a) Records, papers, documents and court records for the purposes of this section are defined as all records, papers, documents, court records, original files or other material bearing upon the activities and functions of the county department, agency, board, commission, circuit court, county court and other courts of record.

(b) Any such photographic reproduction shall be deemed to be an original record for all purposes, provided:

1. That such reproduction is upon film which complies with the minimum standards of quality approved for permanent photographic records by the national bureau of standards;

2. That the device used to reproduce the records on film shall be one which accurately reproduces the content of the original;

3. That each reel or part of a reel of microfilm shall carry at the beginning a title target giving the name of the county department, agency, board, commission or court, a brief title of record series, and at the end the camera operator's certificate showing the microfilming project identification, reel number and a brief description of the first and last document on the reel or part of reel of film, together with a statement signed by the operator substantially as follows: I hereby certify that I have on this ----- day of -----, 19____, (photographed-microphotographed) the foregoing and above described documents in accordance with standards established by s. 327.30 (3) (b) and with established procedures; and

4. That a statement of compliance with the minimum standards for quality of film and for processing and developing permanent photographic records as provided by the national bureau of standards shall be photographed on each reel or part of a reel of microfilm immediately following the operator's certificate and authenticated by the company or governmental agency developing or processing the film by signing the statement on the film with an acetate ink or embossing the film with a punch or device suitable for that purpose. The certificate of the operator and the statement of compliance shall be presumptive evidence that all conditions and standards prescribed by this section have been complied with.

(c) Any photographic reproduction meeting the foregoing conditions prescribed shall be taken as and stand in lieu of and have all the effect of the original document and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases

where the original document is admissible. A transcript, exemplification or certified copy thereof shall, for all purposes herein, be deemed to be a transcript exemplification or certified copy of the original. Such reproduction shall be placed in conveniently accessible files and provision shall be made for preserving, examining and using the same. An enlarged copy of any photographic reproduction on film made as herein provided and certified by the custodian as provided in s. 327.18 (2) shall have the same force and effect as the photographic reproduction itself.

SECTION 8. 327.30 (5) of the statutes is repealed.

SECTION 9. 327.30 (6) of the statutes is renumbered 327.30 (4).

Approved June 18, 1957.
