

Lubbock County Clerk Court Record Preservation Plan

I. Background (Statutory History)

The 81st Texas Legislature passed Senate Bill No. 3637 which amends Section 51 of the Texas Government Code by adding Section 51.708. The amendment allows the Commissioners Court to set a fee not to exceed \$10 to be used for court record preservation and will be assessed at time of filing of each civil case. The fee collected and deposited with the County Treasurer shall be administered by or under the direction of the Commissioners Court, and can only be used for the following purposes:

- Digitizing court records
- Preserving court records from natural disasters

II. Bill Summary

- *Begins* January 1, 2010
- *Court Record Preservation:* The County Treasurer, of the official who discharges the duties commonly delegated to a County Treasurer, shall establish a court record preservation account in the County Treasury.
- The fee is assessed at time of filing of any civil case.

III. Purpose

The Court Record Preservation fee is established for the purposes outlined above. Court records are currently scanned into TIFF files and can be converted into microfilm for storage of the images. As technology advances, it may be determined that better methods are available for storage of images. The funds available under this account would be used to preserve the court records in a manner that will survive natural disasters and can be reproduced as needed.

IV. Cooperation:

- In cooperation between the Director of Court Administration and the County Clerk, the recommended expenditure of the fees deposited into the Court Record Preservation Account shall be presented annually through the budgetary process and upon approval by Commissioners Court, and expended accordingly.
- In the absence of agreement between the Director of Court Administration and the County Clerk, the Commissioners Court shall approve expenditures in a manner deemed by the Court to be the most expedient and efficient use of said fees.

V. Annual Revenue Estimate

This fee was combined into a Records Management and preservation fund by SB 41 effective 1/1/2022, so there will be no separate additional funds into this specific budget.

2021 Civil filings of approximately 2,201 cases\$22,010.00*

*Approximately 2201 civil cases were filed in our office in 2021. The fee cannot be collected on certain types of cases including tax cases, Attorney General Child support cases, and Children’s Protective Services cases. The revenue estimate is also based upon Commissioners Court determining the fee should be set at \$10 per civil case filing.

Summary

The revenue generated by this fee would make it possible to continue scanning court records and preserving the historical records digitally. Proper archival storage boxes are needed to store historical case files.