S-4471.1

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**SUBSTITUTE SENATE BILL 6324**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Angel and Takko)

AN ACT Relating to the destruction of court exhibits by county clerks; and amending RCW 7.52.160 and 36.23.070.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 7.52.160 and 2011 c 336 s 224 are each amended to read as follows:

If an order of sale be made before the distribution of the proceeds thereof, the plaintiff shall produce to the court the certificate ((~~of the clerk of the county where the property is situated~~)), showing the liens remaining unsatisfied, if any, by judgment or decree upon the property or any portion thereof, and unless he or she do so the court shall order a referee to ascertain them.

**Sec.**  RCW 36.23.070 and 1981 c 154 s 1 are each amended to read as follows:

(1) A county clerk may, at any time more than ((~~six~~)) ten years after ((~~the entry of~~)) a case completion order or final ((~~judgment~~)) mandate in any action ((~~apply to~~)), obtain an order from the superior court ((~~for an~~)) authorizing ((~~order and, upon such order being signed and entered, turn such~~)) destruction of exhibits or authorizing exhibits of possible value to be turned over to the sheriff for disposal in accordance with the provisions of chapter 63.40 RCW((~~, and destroy any other exhibits, unopened depositions, and reporters' notes which have theretofore been filed in such cause: PROVIDED, That reporters' notes in criminal cases must be preserved for at least fifteen years~~)): PROVIDED ((~~FURTHER~~)), That any exhibits ((~~which are~~)) deemed by the clerk to possess historical value may be ((~~directed to be delivered~~)) offered by the county clerk to the state of Washington archivist. If no historic value is claimed by state authorities, the exhibits may be delivered to libraries or historical societies or destroyed. Exhibits may be destroyed or returned sooner, as authorized by state court rule, when ordered by the court.

(2) A county clerk may, at any time more than ten years after a case completion order or final mandate in any action, obtain an order from the superior court authorizing destruction of court recordings and reporters' notes. Court reporter notes shall be filed with the county clerk, pursuant to RCW 2.32.200, and shall be accompanied by an index of the case numbers and hearing dates included in each submission. A county clerk may require reporters to file notes electronically pursuant to a statewide filing standard for electronic submission established by the Washington state association of county clerks.

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