
Schedule No. **10**

**Courts of Limited
Jurisdiction
Records Schedule**

Local Government Records Committee

Adopted 1998

Last Revised: Nov 2013

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices’ and Municipal Courts)

RECORD RETENTION SCHEDULE GUIDELINES..... 3

1. ADMINISTRATIVE 5

 1.1 Annual Case Lists..... 5

 1.2 Court Calendar 5

 1.3 Jury Lists/Records 6

2. FISCAL RECORDS MAINTAINED BY THE COURT 7

 2.1 Specific Fiscal Records..... 7

3. CRIMINAL 8

 3.1 Criminal Cases 8

 3.1 Criminal Cases (continued) 9

 3.2 Criminal Docket Books 9

 3.3 Search Warrant 9

4. CIVIL 10

 4.1 Civil Cases..... 10

 4.2 Civil Docket Books 10

 4.3 Small Claims Cases 11

 4.4 Small Claims Docket Books 11

5. EXHIBITS 11

6. COURT RECORDINGS FOR COURTS OF RECORD 3-10-101(5), MCA..... 12

INDEX 13

Revisions to Schedule 15

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

RECORD RETENTION SCHEDULE GUIDELINES

A court is not required to dispose of their records. This retention schedule is designed to determine what the length of time to keep a particular record before a court may dispose of it. As long as a court is not required to maintain a record, it is of no concern that a court does not have a particular listed record.

This retention schedule covers Courts of Limited Jurisdiction court records and financial documents.

“Court record” includes:

- a. Any document, information, or other thing that is collected, received, or maintained in the official case file by a court or clerk of court in connection with a judicial proceeding. This section includes the electronic filing or storage of documents pursuant to §3-1-115, MCA; and
- b. Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created by or prepared by the court or clerk of court that is related to a judicial proceeding.

“Court record” does not include:

- a. Notes, drafts and other judicial work product prepared by a judge or for a judge by court staff or individuals working for the judge related to cases before the court when it is not included in the official case file; and
- b. Other non-court records maintained by the public official who also serves as clerk of court.

A court may have records that are not listed as part of this retention schedule. If the item is not listed refer to the Montana Local Government Records Committee Schedule #1 or contact the Local Government Records Committee.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

Physical records may be converted to microfilm/fiche. Computer records may be converted to Computer Output Microfilm/fiche (COM). The Administrative Rules of Montana (ARM) list the following rules:

44.14.201 USE OF ELECTRONIC RECORDS STORAGE SYSTEMS FOR LOCAL GOVERNMENT DOCUMENTS

(1) Electronic records storage systems may be used for the daily management, storage and retrieval of documents with a retention schedule of 10 years or more (long-term documents) or records with a retention schedule of less than 10 years (short- or medium-term documents) .

History: Sec. [2-6-404](#), MCA; IMP, Sec. [2-6-403](#), MCA; NEW, 1996 MAR p. 3223, Eff. 12/20/96.

44.14.202 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH GREATER THAN TEN YEAR RECORD RETENTION SCHEDULE

(1) Original long-term documents that are electronically stored must either be maintained in paper form or they may be destroyed or otherwise disposed of if copies are maintained on archival quality microfilm.

History: Sec. [2-6-404](#), MCA; IMP, Sec. [2-6-403](#), MCA; NEW, 1996 MAR p. 3223, Eff. 12/20/96.

44.14.203 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH LESS THAN TEN YEAR RECORD RETENTION SCHEDULE

(1) Original short- or medium-term documents that are electronically stored may be destroyed or otherwise disposed of without maintaining a copy in another medium.

History: Sec. [2-6-404](#), MCA; IMP, Sec. [2-6-403](#), MCA; NEW, 1996 MAR p. 3223, Eff. 12/20/96

Courts are to follow the Montana Secretary of State's procedures for requesting disposal of records. Those procedures can be found on the Montana Secretary of State's website, Local Records Forms and Retention Schedules.

All changes from an old schedule item to a new schedule item are effective upon adoption by the Local Government Records Committee. The new retention time may be applied retroactively.

The Montana Historical Society encourages all Courts to notify and offer to them any case file that may have historic value or significant legal value or public interest prior to the destruction of #10 Courts of Limited Jurisdiction – MT Local Government

Last Revised: Nov 2013

For Records Disposal or Records Transfer requirements, see § 2-6-403, MCA.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

those records. For guidance contact the State Archivist at the Montana Historical Society, at 406-444-7482.

1. ADMINISTRATIVE	
1.1 Annual Case Lists	
An alphabetized list of party names and case numbers for all cases filed in a year. For cases entered into computerized case management system, no separate list is necessary.	Retain 10 years. If this list serves as the index to Docket Books, it should be retained permanently. <i>For guidance on storage options see guidelines in this schedule.</i>
1.2 Court Calendar	
Information may include, case number, party name, attorneys, action, and status of case. This category does not include yearly planning or periodic scheduling calendars.	Retain 2 years after the end of the calendar year for which it applies.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

1.3 Jury Lists/Records Montana Code Annotated Title 3, Chapter 15, Part 4		
A)	Jury lists created at the beginning of each term	Retain until superseded
B)	Jury questionnaires	Retain until superseded
C)	List of all jury trials for a year	Retain until next jury year (the 12 month period that a jury list is valid)
D)	List of individual jurors called for an individual trial	Retain until next jury year (the 12 month period that a jury list is valid)

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

2. FISCAL RECORDS MAINTAINED BY THE COURT		
2.1 Specific Fiscal Records		
A)	Audit reports	Retain for Audit + 7 years
B)	Bank statements, canceled checks, check stubs for court trust accounts	Retain for Audit + 7 years
C)	Bank deposit slips/books, bank receipts	Retain for Audit + 7 years
D)	Checkbook: used	Retain for Audit + 7 years
E)	Checkbook: unused	Retain for Audit + 1 year
F)	Cash receipts—record/journal	Retain for Audit + 7 years
G)	Cash register tape, daily cash balance record	Retain for Audit + 1 year
H)	Collection records	Retain for Audit + 7 years
I)	Collections/distribution journal	Retain for Audit + 7 years
J)	Reconciliation reports, monthly	Retain for Audit + 7 years
K)	Trust/time pay disbursements reports	Retain for Audit + 7 years
L)	Time payment ledger and files	Retain for Audit, + 7 years
M)	Pre-printed receipt books not generated by case management system. For example, Full Court: used.	Retain for Audit + 7 years
N)	Unused pre-printed receipt books not generated by case management system. For example, Full Court.	Retain for Audit + 7 years

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices’ and Municipal Courts)

3. CRIMINAL		
3.1 Criminal Cases		
Types of cases: Felonies, Misdemeanors, Traffic, Ordinances (Misdemeanors)		
These include initiating documents (complaint, notice to appear, ticket), pleadings, motions, and other documents submitted by parties, court issued documents (minutes, orders, summons, subpoenas, judgments, disposition, or sentence orders).		
“After closing case” means from dismissal or date final judgment becomes unenforceable. A court should not consider a case closed if restitution is still owed because restitution may be collected even from defendant’s estate.		
A court is to use the final charge when determining the correct retention period.		
The Montana Historical Society encourages all Courts to notify and offer any case files that may have historic value or significant legal value, or public interest prior to the destruction of those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482.		
A)	Felony	Retain 10 years after closing case
B)	Partner and Family Member Assault	Retain 75 years after closing case
C)	Driving Under the Influence (Driving Under the Influence, Driving with a Blood Alcohol Content of .08 or greater, Aggravated Driving Under The Influence) (NOT Blood Alcohol Content of .02 or greater while under 21.)	Retain 75 years after closing case
D)	Privacy in Communication	Retain 75 years after closing case
E)	Stalking	Retain 75 years after closing case
F)	Theft	Retain 75 years after closing case

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

3.1 Criminal Cases (continued)		
G)	Violations of Order of Protection	Retain 75 years after closing case
H)	Any stacking offense that may result in a felony	Retain 75 years after closing case
I)	Commercial Driver's License out-of-service convictions	Retain 75 years after closing case
J)	Parking Offenses	Retain 5 years after closing case
K)	All misdemeanors not listed above (including Fish Wildlife Parks, Gross Vehicle Weight, Livestock, Public Service Commission, Traffic, Blood Alcohol of .02 or greater and under 21, and Ordinance)	Retain 10 years after closing case
3.2 Criminal Docket Books		
	Books—usually hardbound—documenting activity on a case.	Permanent. <i>For guidance on storage options see guidelines in this schedule.</i>
3.3 Search Warrant		
	Includes the affidavit for a search warrant, the search warrant, the return, and the keepers receipt, electronic recording and transcript for a telephonic warrant.	Retain 10 years after disposition or sooner with approval of judge or prosecutor.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

4. CIVIL		
4.1 Civil Cases		
<p>These include initiating documents (complaint, petitions, notice to appear), pleadings, motions, and other documents submitted by parties, court issued documents (judgments, minutes, orders, summons, and subpoenas).</p> <p>The Montana Historical Society encourages all Courts to notify and offer any case files that may have historical value or significant legal value, or public interest prior to the destruction of those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482.</p>		
A)	Closed cases	Retain 10 years from dismissal or date final judgment becomes unenforceable.
B)	Orders of Protection	Retain 10 years from denial, dismissal or date order expires.
C)	Civil Infractions – Violations of a city ordinance that are a civil infraction.	Retain 10 years from dismissal or date final judgment becomes unenforceable.
4.2 Civil Docket Books		
	Books—usually hardbound—to document activity on a case.	Permanent. <i>For guidance on storage options see guidelines in this schedule.</i>

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

4.3 Small Claims Cases Montana Code Annotated Title 25, Chapter 35		
The hearing is tape-recorded and a decision is made from the bench at the time of the hearing.		
A)	Closed cases	Retain 10 years from dismissal or date when final judgment becomes unenforceable.
B)	Audio recordings	Retain 20 days after judgment (i.e., 10 days after appeal time expires, which is 10 days after judgment). See §25-35-803 (1), MCA
4.4 Small Claims Docket Books		
Books—usually hardbound—used to document activity on a case.	Permanent. <i>For Guidance on storage options see guidelines in this schedule.</i>	
5. EXHIBITS		
Exhibits (criminal or civil case)	See: MCA Title 25, Chapter 24, Uniform Justice and City Court Rule #3(c)	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

6. COURT RECORDINGS FOR COURTS OF RECORD 3-10-101(5), MCA	
All recordings of court proceedings in a court of record, not including small claims (See Small Claims Section).	<p>The recording must be kept according to the retention schedule of the particular type of case, either criminal or civil.</p> <p>If the recordings are kept per day and not by case, the recording is to be maintained for the maximum length of time for any case heard that day.</p> <p>Agency must transcribe or storage medium must be readable and accessible for retention period (i.e. avoid medium obsolescence via migration).</p>

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices’ and Municipal Courts)

INDEX

A

ADMINISTRATIVE5
affidavit for a search warrant9
Aggravated Driving Under The Influence8
Annual Case Lists5
Audit reports.....7

B

Bank deposit slips7
bank receipts7
Bank statements7
Blood Alcohol Content of .02 or greater while under
218
Blood Alcohol of .02 or greater and under 219

C

canceled checks7
Cash receipts.....7
Cash register tape7
check stubs7
Checkbook7
CIVIL10
Civil Docket Books10
Civil Infractions10
closing case8
Collection records7
Collections/distribution journal7
Commercial Driver’s License out-of-service9
complaint8
Court Calendar5
Criminal Docket Books9

D

daily cash balance record7
disposition8
Driving Under the Influence8

Driving with a Blood Alcohol Content of .08 or
greater8

E

Exhibits11

F

Felonies.....8
Felony8
final charge8
Fish Wildlife Parks.....9

G

Gross Vehicle Weight.....9

J

judgments8
Jury Lists/Records6

K

keepers receipt9

L

Livestock9

M

minutes8
misdemeanors9
Misdemeanors8
motions8

N

notice to appear8

O

orders8
Orders of Protection10
Ordinance9

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices’ and Municipal Courts)

P	
Parking.....	9
Partner and Family Member Assault	8
pleadings.....	8
Pre-printed receipt books.....	7
Privacy in Communication	8
Public Service Commission	9
R	
Reconciliation reports.....	7
recordings	11, 12
restitution	8
return.....	9
Revisions to Schedule	15
S	
search warrant.....	9
Search Warrants	9
T	
sentence orders	8
Small Claims.....	11
stacking offense.....	9
Stalking	8
subpoenas.....	8
summons	8
V	
telephonic warrant	9
Theft	8
ticket	8
Time payment ledger and files	7
Traffic.....	9
Traffic, Ordinances.....	8
Trust/time pay disbursements reports.....	7
V	
Violations of Order of Protection	9

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices’ and Municipal Courts)

<i>Revisions to Schedule</i>		
Date	Page	Change
2013	2	1. Added <u>Table of Contents</u>
	13-14	2. Added <u>numbering system</u> to schedule
	6	3. Added <u>Index</u> to schedule
		4. 1.3 JURY LISTS/RECORDS – changed terminology: <i>Jury lists created at the beginning of each term</i>
		5. Deleted <u>Dissemination Log</u> section
		6. Deleted <u>Prior Offense Records</u> section
	11	7. 4.3 SMALL CLAIMS CASES – added to title: <i>Montana Code Annotated, Title 25 Chapter 35</i>
	11	8. 4.3 SMALL CLAIMS CASES – B) Audio Recordings – added: <i>See 25-35-803(1) MCA</i>
	11	9. 5. EXHIBITS – added: <i>See MCA, Title 25, Chapter 24, Uniform Justice and City Court Rule #3(c)</i>
	12	10. Added: <u>6. COURT RECORDINGS FOR COURTS OF RECORD 3-10-101(5), MCA</u>
	3	11. Added the following language to: <ul style="list-style-type: none"> • Guidelines • 3.1 Criminal Cases • 4.1 Civil Cases <i>“The Montana Historical Society encourages all Courts to notify and offer any case files that may have historic value or significant legal value, or public interest prior to the destruction of those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482.”</i>
8		
10		
		12. Added the following language to:

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

<i>Revisions to Schedule</i>		
Date	Page	Change
2013 <i>(continued)</i>	5 9 10 11	<ul style="list-style-type: none">• <u>1.1 Annual Case Lists</u>• <u>3.2 Criminal Docket Books</u>• <u>4.2 Civil Docket Books</u>• <u>4.4 Small Claims Docket Books</u> <p><i>“For guidance on storage options see guidelines in this schedule.”</i></p>
November 2013	4	The following paragraph was added to the <u>Guidelines</u> – <i>“All changes from an old schedule item to a new schedule item are effective upon adoption by the Local Government Records Committee. The new retention time may be applied retroactively.”</i>