



TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE LC (Revised Second Edition)

RETENTION SCHEDULE FOR RECORDS OF JUSTICE AND MUNICIPAL COURTS

This schedule establishes mandatory minimum retention periods for records that are usually found in justice and/or municipal courts. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records listed in this schedule may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period. This includes electronic mail (e-mail), websites and electronic publications.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated prior to the destruction of the record until the completion of the action and the resolution of all issues that arise from it or until the expiration of the retention period of the record, whichever is later.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the Director and Librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

The use of an asterisk (*) in this third edition of Local Schedule LC indicates that the record is either new to this edition, the retention period for the record has been changed for the record, or substantive amendments have been made to the description of or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable

FE - Fiscal year end

US - Until Superseded

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RECORDS OF JUSTICE AND MUNICIPAL COURTS

Retention Note: HISTORIC COURT RECORDS RETENTION REQUIREMENTS - Notwithstanding the retention periods set down in this schedule, the following records must be retained **PERMANENTLY**:

- 1) all case papers dated 1950 or earlier and trial dockets containing entries dated 1950 or earlier;
- 2) case papers and trial dockets from any period if the minutes of the case have been lost or destroyed; and
- 3) case papers in a case from any period that, because of its notoriety or significance, might possess enduring value.

PART 1: CIVIL AND CRIMINAL RECORDS

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2350-01	APPEAL OR TRANSFER RECORD	Record or register of cases appealed from a court and/or records of case transfers as a result of an examining trial.	AV.	
LC2350-02	BAIL BOND RECORDS	Ledgers or books recording the setting or taking by the court of bail or recognizance bonds.	3 years.	
*LC2350-03	CIVIL CASE PAPERS (including documentation maintained by a court arising from the actions of its judge as a magistrate)			
*LC2350-03a	CIVIL CASE PAPERS	Administrative hearing case papers.	1 year after judgment rendered or proceedings terminated.	
*LC2350-03b	CIVIL CASE PAPERS	Civil case papers (including small claims and scire facias) in cases that were adjudicated which result in a monetary award.	12 years after case closed or issuance of last abstract of judgment or execution.	By law – Texas Property Code, Section 52.006 and Civil Practice and Remedies Code, sections 31.006 and 34.001. Retention Note: Civil cases with a judgment in favor of the state or to a state agency must be retained until the judgment is satisfied.

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2350-03c	CIVIL CASE PAPERS	Civil case papers from cases or actions that did not involve a monetary reward (e.g. forcible detainer)	4 years.	
*LC2350-03d	CIVIL CASE PAPERS	Civil case papers of cases dismissed for want of prosecution, on motion of the plaintiff, or for other reasons within the power of the court.	4 years from date the case was originally filed or upon dismissal, whichever later.	
*LC2350-04	CRIMINAL CASE PAPERS (including documentation maintained by a court arising from the actions of its judge as a magistrate)			
*LC2350-04a	CRIMINAL CASE PAPERS	Criminal case papers (including traffic offenses and violations of municipal ordinances).	5 years from date of final disposition of the case.	
*LC2350-04b	CRIMINAL CASE PAPERS	Papers in cases dismissed for want of prosecution or for other reasons within power of the court.	2 years from date of dismissal.	
*LC2350-04c	CRIMINAL CASE PAPERS	Un-served arrest warrants for criminal offenses within jurisdiction of the court.	4 years after issuance.	Retention Note: Prior to the purging and disposal of any un-served arrest warrants under this item number, the warrants must be dismissed by the judge in a manner permitted by law. If a judge dismisses un-served warrants at any time prior to 4 years after issuance, they still must be retained until the expiration of the retention period.
*LC2350-04d	CRIMINAL CASE PAPERS	Examining trial case papers.	AV.	Retention Note: If copies of statutory warnings are maintained only as carbons in bound volumes, the volumes must be retained for 5 years after last entry.
*LC2350-05	PARKING AND PEDESTRIAN VIOLATION TICKETS	Parking or pedestrian violation tickets that have been cleared by payment, dismissal, or other action.	6 months.	Retention Note: It is an exception to the 6-month retention period that if the tickets are used as vouchers for direct posting to receipt journals or ledgers, the tickets must be retained for FE + 3 years.

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2350-06	DOCKETS AND DOCKET SHEETS			Retention Notes: a) The retention periods in this record group also apply to docket sheets or the record equivalent in purpose to a docket in those courts that do not maintain dockets in bound volumes. b) If any docket listed under (a)-(g) contains records of inquests, it must be retained PERMANENTLY .
*LC2350-06a	DOCKETS AND DOCKET SHEETS	Civil docket (including small claims and scire facias).	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06b	DOCKETS AND DOCKET SHEETS	Criminal docket (including traffic offenses and violations of municipal ordinances).	5 years.	
*LC2350-06c	DOCKETS AND DOCKET SHEETS	Civil and criminal docket (recording cases of both types in one volume).	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06d	DOCKETS AND DOCKET SHEETS	Administrative hearing docket.	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06e	DOCKETS AND DOCKET SHEETS	Execution docket.	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06f	DOCKETS AND DOCKET SHEETS	Examining trial dockets.	5 years.	
*LC2350-06g	DOCKETS AND DOCKET SHEETS	Call dockets or docket sheets or any other working copy or preliminary version of a docket or docket sheet for the use of clerks, bailiffs, or judges before entry of the information into any of the dockets noted under (a)-(f).	AV after entry of information into court docket.	
*LC2350-07	FEE BOOKS	Books or ledgers detailing fees or costs accrued in cases heard by the court and status of payment or waiver of costs or fees, if maintained separately from dockets.	FE + 5 years.	
*LC2350-08	JURY RECORDS			
LC2350-08a	JURY RECORDS	Jury venire lists.	1 year.	
*LC2350-08b	JURY RECORDS	Juror information and reply forms.	1 year.	
*LC2350-08c	JURY RECORDS	Returned, undeliverable jury summonses.	1 year.	
*LC2350-09	PROCESS LOGS/ PROCESS REGISTERS	Stub books, carbon books, logs, or registers listing warrants, subpoenas, summonses, or citations issued by or under the authority of the court.	5 years.	
*LC2350-10	REPORTS TO STATE AGENCIES			

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2350-10a	REPORTS TO STATE AGENCIES	Statistical reports to the Texas Judicial Council.	3 years.	
*LC2350-10b	REPORTS TO STATE AGENCIES	Reports of motor carrier weight convictions (State Comptroller Form 40-132 or equivalent).	AV.	
*LC2350-10c	REPORTS TO STATE AGENCIES	Traffic conviction abstracts and reports of death arising from traffic accidents submitted to the Texas Department of Public Safety.	AV.	
*LC2350-11	WITNESS RECORD	Register of witnesses subpoenaed, attached, or recognized in criminal cases, if maintained separately from the criminal dockets.	5 years.	

PART 2: INQUEST RECORDS

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2375-01	FIRE INQUEST RECORDS			
*LC2375-01a	FIRE INQUEST RECORDS	Case papers.	AV.	Retention Note: Case papers must be retained PERMANENTLY if not documented in a docket or record book.
LC2375-01b	FIRE INQUEST RECORDS	Docket or record.	PERMANENT.	
LC2375-02	INQUEST RECORDS			

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2375-02a	INQUEST RECORDS	<p>Case papers.</p> <p>(1) Arising from inquests or inquest hearings initiated August 31, 1987 or earlier.</p> <p>(2) Arising from inquests or inquest hearings initiated September 1, 1987 and after.</p>	<p>Destroy at option if the records exist in the District Clerk's Office.</p> <p>PERMANENT.</p>	<p>By law - Code of Criminal Procedure, art. 49.15(b).</p> <p>Retention Note: Prior to September 1, 1987 case papers arising from an inquest were forwarded by the justice to the district clerk. Since that date case papers are retained and become a part of the inquest docket or record and only an inquest summary report is forwarded. The only case papers retained by a justice of the peace or other magistrate before September 1, 1987 are likely to be copies of materials forwarded. Creation and retention of copies was not required by law.</p>
LC2375-02b	INQUEST RECORDS	Docket or record.	PERMANENT.	By law - Code of Criminal Procedure, art. 49.15(b).
*LC2375-02c	INQUEST RECORDS	Reports of injuries to the Texas Department of State Health Services.	AV.	
*LC2375-03	UNIDENTIFIED BODY INFORMATION	<p>All information pertaining to any unidentified body and the location of burial.</p> <p>(1) If an autopsy is performed and an inquest record exists.</p> <p>(2) If an autopsy is not performed and no inquest record exists.</p>	<p>10 years.</p> <p>PERMANENT.</p>	By law - Code of Criminal Procedure, Chapter 49.

PART 3: VITAL STATISTICS RECORDS

Retention Notes: a) Since 1927, each justice of the peace precinct serves as a primary registration district for the registry of births and deaths, unless, by agreement, the county clerk assumes primary registration duties. The records in this section arise from the duties of justice of the peace as a local registrar.

b) This section applies to and is binding upon city clerks or secretaries who serve as local registrars of vital statistics.

*c) The permanent retention period established in this schedule and by law for item numbers LC2400-01, LC2400-02, and LC2400-04 is not required for those local registrars who choose to follow the option permitted by Section 191.026(e), provided they do so in accordance with procedures developed by the Vital Statistics Unit of the Texas Department of State Health Services to implement the section.

Health and Safety Code, Section 191.026(e):

(e) The local registrar may, after the first anniversary of the date of registration of a birth, death, or fetal death, destroy the permanent record of the birth, death, or fetal death maintained by the local registrar if:

- (1) the local registrar has access to electronic records of births, death and fetal deaths maintained by the vital statistics unit; and
- (2) before destroying the records, the local registrar certifies to the state registrar that each record maintained by the local office that is to be destroyed has been verified against the records contained in the bureau's database and that each record is included in the database or otherwise accounted for.

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2400-01	BIRTH AND DEATH RECORD (combination of the Birth Record and Death Record)		PERMANENT.	By law - Health and Safety Code, Section 191.026.
LC2400-02	BIRTH RECORD (REGISTER OF BIRTHS)	Recorded or bound duplicate copies of birth certificates, delayed birth certificates, or amended birth certificates.	PERMANENT.	By law - Health and Safety Code, Section 191.026.
*LC2400-03	BURIAL TRANSIT PERMIT RECORDS	Stubs, copies, or lists of burial transit permits issued.	3 years.	
LC2400-04	DEATH RECORD (REGISTER OF DEATHS)	Recorded or bound duplicate copies of death certificates, fetal death certificates, or amended death certificates.	PERMANENT.	By law - Health and Safety Code, Section 191.026.
LC2400-05	DISINTERMENT RECORD			
LC2400-05a	DISINTERMENT RECORD	Copies of disinterment permits.	PERMANENT.	
*LC2400-05b	DISINTERMENT RECORD	Applications for permits.	Destroy at option.	Obsolete record.

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2400-06	NOTIFICATIONS OF DEATH OF PERSONS UNDER 55	Abstracts, transcripts, or copies of death certificates from the Bureau of Vital Statistics of persons under age 55 (or under 18 prior to May 1987), whose birth certificates are recorded in an office of a local registrar.	Until notation made in Birth Record.	
LC2400-07	REPORTS OF DEATH	Reports of death filed by funeral directors or persons acting as such.	Until receipt of death certificate.	
*LC2400-08	RECORD OF ISSUANCE OF CERTIFIED COPIES OR ABSTRACTS OF BIRTH AND DEATH RECORDS	Record of the issuance of certified copies or abstracts of birth and death records showing date issued, document number, name and address of person to whom issued, and form of identification presented by applicant.	3 years from the date issued.	By regulation - 25 TAC 181.28(e). Retention Note: The administrative rule of the Texas Department of State Health Services setting the 3 year minimum retention period states that the application form, with the document number inserted, may serve to document the issuance of the copies or abstracts. For those clerks who document the issuance of the copies or abstracts by other means, the applications need be retained only AV after the required information from the application is entered in the alternative record of issuance.

PART 4: MISCELLANEOUS RECORDS

Retention Note: For financial, personnel, or administrative records of a justice or municipal court not listed in this section see Local Schedule GR.

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2425-01	ACKNOWLEDGMENT RECORD	Record of acknowledgments or proofs of instruments taken by justices of the peace.	10 years.	
LC2425-02	COST DEPOSIT RECORDS	Journals, ledgers, or similar records detailing receipts to and disbursements from monies deposited to cover costs in civil proceedings.	FE + 5 years.	

PART 5: JUVENILE RECORDS

Retention Note: Juvenile court records are subject to sealing under Family Code, Chapter 58, Subchapter C-1. While restricting access to records, sealing does not alter the minimum retention periods in this part nor rescind the authority to lawfully destroy records following the expiration of the retention periods.

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2450-01	VIDEO AND AUDIO RECORDINGS OF JUVENILES	Interactive video recordings of juvenile detention hearings.	Destroy on the date adjudication hearing ends; 91 days after the recording date if the alleged conduct constitutes a misdemeanor; or 120 days after the recording date if the alleged conduct constitutes a felony, whichever sooner.	By law – Family Code, Section 54.012(c).
*LC2450-02 through LC2450-04	[WITHDRAWN]			
*LC2450-05	JUVENILE CASE PAPERS	Documents relating to juvenile detention, transfer, adjudication, or disposition, including all records transferred to the court by law enforcement or other agencies under sealing orders issued by a court. Case papers for offenses, including traffic offenses and violation of municipal ordinances.	Until the individual is at least 21 years of age.	By law - Family Code, Section 58.264(b)(2).
*LC2450-06	[WITHDRAWN]			
*LC2450-07	JUVENILE COURT DOCKET	List of juvenile cases awaiting action in the court.	5 years.	
LC2450-08	JUVENILE RECORD (JUVENILE COURT MINUTES)		PERMANENT.	
*LC2450-09	[WITHDRAWN]			
*LC2450-10	JUVENILE INFORMATION SYSTEMS (LOCAL)	Locally maintained juvenile information databases containing the information required by Family Code, Chapter 58, Subchapter D.	Until electronic records are transferred to and	Retention Note: Data concerning an individual contained in the database may

Record Number	Record Title	Record Description	Total Retention	Remarks
			made usable in a new system environment, or the files have met a retention period established in this or other commission schedule, whichever sooner.	be deleted as permitted by Family Code §58.307(d).
*LC2450-11	[WITHDRAWN]			
**LC2450-12	TRUANT CONDUCT FILES	Documents in the custody of a truancy court or juvenile case manager relating to allegations of truant conduct and prevention or intervention services. This series includes all records transferred from law enforcement or other agencies under a sealing order issued by the court.	Until the individual is 19 or no longer receiving services, whichever later.	

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927
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