

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 19 LOCAL GOVERNMENT RECORDS RETENTION AND DISPOSITION SCHEDULES
(LGRS)
PART 9 LGRS, NEW MEXICO MUNICIPAL COURTS

1.19.9.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[1.19.9.1 NMAC - N, 4/4/2003]

1.19.9.2 SCOPE: New Mexico municipal courts
[1.19.9.2 NMAC - N, 4/4/2003]

1.19.9.3 STATUTORY AUTHORITY: The state records administrator shall establish records disposal schedules for the orderly retirement of records in compliance with the Public Records Act.
[1.19.9.3 NMAC - N, 4/4/2003]
[Implementation of this rule may require the issuance of a court order from the NM supreme court or the municipal court]

1.19.9.4 DURATION: permanent
[1.19.9.4 NMAC - N, 4/4/2003]

1.19.9.5 EFFECTIVE DATE: April 4, 2003 unless a later date is cited at the end of a section.
[1.19.9.5 NMAC - N, 4/4/2003]

1.19.9.6 OBJECTIVE:
A. To establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official court records.
B. To establish records disposal schedules for the orderly retirement of records regulations necessary for the carrying out of the Public Records Act.
[1.19.9.6 NMAC - N, 4/4/2003]

1.19.9.7 DEFINITIONS:
A. "Note bene" stands for information important for the administration of the retention period.
B. "DUI" stands for driving under the influence.
C. "DV" stands for domestic violence.
[1.19.9.7 NMAC - N, 4/4/2003]

1.19.9.8 INSTRUCTIONS:
A. For records of an administrative nature, refer to the Records Retention and Disposition Schedule for General Administrative Records, 1.15.3 NMAC.
B. For records of a financial nature, refer to the Records Retention and Disposition Schedule for General Financial Records, 1.15.5 NMAC.
C. For records of a personnel nature, refer to the Records Retention and Disposition Schedule for General Personnel Records, 1.15.7 NMAC.
D. For records of a medical nature, refer to the Records Retention and Disposition Schedule for General Medical Records, 1.15.8 NMAC.
E. Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.
F. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.
G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the court.

H. Access to confidential documents or confidential files shall be only by authorization of agency or attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

I. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. (Section 14-1-5, 14-1-6 NMSA 1978)

J. Electronic records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). (See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems). [1.19.9.8 NMAC - N, 4/4/2003]

1.19.9.9 ACRONYMS

- A.** “DUI” stands for driving under the influence.
- B.** “DV” stands for domestic violence.
- C.** “DWI” stands for driving while intoxicated and means DUI.

[1.19.9.9 NMAC - N, 4/4/2003]

1.19.9.10 - 1.19.9.100 [RESERVED]

1.19.9.101 MONEY TRANSACTION REPORTS:

- A. Program:** administration
- B. Maintenance system:** chronological by fiscal year
- C. Description:** record concerning the receipt and disbursement of bonds, fines and fees. Record may show report date, judge, docket number, receipt number, receipt amount, defendant name, authorizing signature, etc. [Record may be original or output from an automated system.]
- D. Retention:** three years after close of fiscal year in which created
- E. Note bene:** Court may keep a unified *money transaction report* or may keep reports based on type of transaction (i.e. *bond transaction report, fine transaction report, refund transaction report, etc.*). [1.19.9.101 NMAC - Rp 1 NMAC 3.2.94.950.101, 4/4/2003]

1.19.9.102 COURT AGENDA:

- A. Program:** administration
- B. Maintenance system:** chronological by court date and time
- C. Description:** record of court schedule. Record may show court date, judges, violation date, citation number, defendant name, docket number, etc. [Record may be original or output from an automated system.]
- D. Retention:** 30 days after scheduled court date [retention on final version]
- E. Note bene:** *Court agenda* is also known as *docket call* or *court calendar*. [1.19.9.102 NMAC - Rp 1 NMAC 3.2.94.950.102, 4/4/2003]

1.19.9.103 NON-DUI AND NON-DOMESTIC VIOLENCE CRIMINAL CASE FILE (DOCKET FILE):

- A. Program:** criminal matters
- B. Maintenance system:** numerical by docket number
- C. Description:** record of proceedings in municipal court (excluding DUI and DV cases). File may contain criminal docket sheet, *uniform traffic citation*, arrest report, criminal complaint, summons, *probable cause form*, bail bond forms, *condition of release forms*, *notice of appeal*, *warrants*, *failure to appear notices*, *entry of appearance form*, *remand order*, *waiver of counsel forms*, *no contest forms*, transportation documentation, *judgment and sentence forms*, etc. [Documents may be original or output from an automated system.]
- D. Retention:** three years from offense date
- E. Note bene:**

- (1) Issuance of a *search warrant* requires the creation of a case file and docket.
- (2) When citations are filed, a docket number shall be issued and a case file created.
- (3) Treatment and psychological evaluations, supervision histories (i.e. probation, mandatory programs, etc.) should not be part of the *criminal case file*. Said documentation shall be returned to generating entity or destroyed.

[1.19.9.103 NMAC - Rp 1 NMAC 3.2.94.950.103, 4/4/2003]

1.19.9.104 DUI AND DOMESTIC VIOLENCE CRIMINAL CASE FILE (DOCKET FILE):

- A. Program:** criminal matters
- B. Maintenance system:** numerical by docket number
- C. Description:** record of DUI and domestic violence proceedings in municipal court. File may contain criminal docket sheet, *uniform traffic citation*, arrest report, criminal complaint, summons, *probable cause form*, bail bond forms, *condition of release forms*, *notice of appeal*, *warrants*, *failure to appear notices*, *entry of appearance form*, *remand order*, *waiver of counsel forms*, *no contest forms*, transportation documentation, *judgment and sentence forms*, etc.). [Record may be original or output from an automated system.]
- D. Retention:** three years from offense date provided that a conviction report has been filed when required.
- E. Note bene:**
 - (1) Issuance of a *search warrant* requires the creation of a case file and docket.
 - (2) When citations are filed, a docket number shall be issued and a case file created.
 - (3) Treatment psychological evaluations, supervision histories (i.e. probation, mandatory programs, etc.) should not be part of the *criminal case file*. Said documentation shall be returned to generating entity or destroyed.
 - (4) Cases involving driving under the influence where there has been a conviction, shall not be destroyed until *DWI conviction report* has been prepared and forwarded to the administrative office of the courts.
 - (5) Cases involving domestic violence where there has been a conviction shall not be destroyed until *domestic violence conviction report* has been prepared and forwarded to the administrative office of the courts.

[1.19.9.104 NMAC - Rp 1 NMAC 3.2.94.950.104, 4/4/2003]

1.19.9.105 CRIMINAL DOCKET:

- A. Program:** criminal matters
- B. Maintenance system:** numerical by docket number
- C. Description:** sequential entries of matters coming into the court. Record may show-defendant name, docket number, offense, date, file date, judge, charge, ordinance number, citation number, officer name, etc. [Record may be original or output from an automated system.]
- D. Retention:** three years from date of last entry
- E. Note bene:** Maintenance of *criminal docket* is optional where a numbered docket index is available.

[1.19.9.105 NMAC, - Rp 1 NMAC 3.2.94.950.105, 4/4/2003]

1.19.9.106 DOCKET CARDS (DOCKET SHEETS, CASE HISTORY FORMS):

- A. Program:** administration
- B. Maintenance system:** numerical by docket number
- C. Description:** abstract of case file data. Record may show docket number, defendant name, defendant personal data, charge, charge date, officer's name, citation number, police case number, bond information, entry dates, appearance date, judge, dispositions, etc. [If court has an automated system that allows searching by docket number, neither docket cards or sheets are required.]
- D. Retention:** three years from offense date
- E. Note bene:** If *docket cards* are filed in other than docket number order, a numeric index or docket book shall be maintained.

[1.19.9.106 NMAC - Rp 1 NMAC 3.2.94.950.106, 4/4/2003]

1.19.9.107 CASE INDEX:

- A. Program:** administration
- B. Maintenance system:** alphabetical by defendant name

C. Description: record of individual defendant coming into the court. Index may show-docket number, defendant name, incident date, etc. [If court has an automated system that insures alphabetical indexing by defendant, indexing is not required separately.]

D. Retention: three years after date index produced, or for cards, three years after of date offense

E. Note bene: Court shall insure that both alphabetical and numerical access to case files is produced.

[1.19.9.107 NMAC - Rp 1 NMAC 3.2.94.950.107, 4/4/2003]

1.19.9.108 WARNINGS:

A. Program: administration

B. Description: Uniform Traffic Citation used for warnings.

C. Retention: no retention required on this item.

[1.19.9.108 NMAC - Rp 1 NMAC 3.2.94.950.108, 4/4/2003]

HISTORY OF 1.19.9 NMAC

Pre-NMAC History: The material in this part was derived from that previously filed with State Records Center and Archives.

SRC Rule No. 92-01, Records Retention and Disposition Schedule for New Mexico Municipal Courts, 4-16-92.

SRC Rule No. 94-10, Records Retention and Disposition Schedule for New Mexico Municipal Courts, 7-5-94.

History of Repealed Material:

1 NMAC 3.2.94.950, Local Retention and Disposition Schedule, New Mexico Municipal Courts - Repealed, 4-4-2003.