

HOUSE BILL No. 1251

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-15-1-1; IC 36-2-14-5.3.

Synopsis: Reproduction of coroner records. Provides the following: (1) Allows a coroner to determine the means of copying an original record of the coroner. (2) Allows a coroner to destroy or transfer the original record at the time determined by the coroner after copying the record. Provides that a coroner is immune from criminal liability for destroying a public record if the coroner acts in accordance with the coroner's authority to copy and destroy the coroner's records.

Effective: July 1, 2023.

Hatfield

January 11, 2023, read first time and referred to Committee on Local Government.



Introduced

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1251

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-15-1-1, AS AMENDED BY P.L.161-2018,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1. (a) Any officer, office, court, commission,
4 board, institution, department, agent, or employee of the state, county,
5 or any political subdivision being charged with the duty or authorized
6 or required by law to record, preserve, keep, maintain, or file any
7 record, document, plat, paper or instrument-in-writing, may, whenever
8 any such officer, office, court, commission, board, institution,
9 department, agent, or employee of the state, county, or any political
10 subdivision shall deem it necessary, for the purpose of recording or
11 copying same, preserving and protecting same, reducing space required
12 for storage or filing of same, or any similar purpose, have or cause to
13 have any or all such records recorded, copied, or reproduced by any
14 photostatic, photographic, micrographic, electronic, or other process
15 which correctly and accurately copies or reproduces, recreates, or
16 forms a medium of copying or reproducing the original record,
17 document, plat, paper, or instrument-in-writing. Any officer, office,

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1 court, commission, board, institution, department, agent, or employee
 2 of the state may have or cause to have records recorded, copied, or
 3 reproduced under this subsection by any optical imaging process that
 4 correctly and accurately copies or reproduces, recreates, or forms a
 5 medium of copying or reproducing the original record, document, plat,
 6 paper, or instrument-in-writing.

7 (b) The original filing record may be destroyed if:

8 (1) the record has been copied or is capable of being reproduced
 9 or recreated under subsection (a); and

10 (2) an approved retention schedule allows for the destruction.

11 (c) Copies, recreations, or reproductions made under subsection (a):

12 (1) shall have the same force and effect at law as the original
 13 record destroyed under subsection (b); and

14 (2) shall be received as evidence in any court where the original
 15 record could have been so introduced;

16 if the recreations, copies, or reproductions are properly certified as to
 17 authenticity and accuracy by a duly constituted official custodian of
 18 such records.

19 (d) All micrographics and imaging processes done under this
 20 chapter shall comply with the quality standards developed under
 21 IC 5-15-5.1-8.

22 (e) This section does not apply to the office of judicial
 23 administration of the supreme court **or the office of a county coroner.**

24 **SECTION 2. IC 36-2-14-5.3 IS ADDED TO THE INDIANA CODE**
 25 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 26 **1, 2023]: Sec. 5.3. (a) Notwithstanding IC 5-15-5.1, IC 5-15-6, or**
 27 **any rule, standard, or retention schedule adopted under**
 28 **IC 5-15-5.1 or IC 5-15-6 but subject to IC 5-15-5.1-8, a coroner**
 29 **may do the following:**

30 **(1) Determine the materials, processes, and standards used to:**

31 **(A) correctly and accurately reproduce an original record**
 32 **(including producing an electronic record); and**

33 **(B) store a reproduction of an original record (including**
 34 **using cloud based document storage);**

35 **of the office of the coroner.**

36 **(2) At the time determined by the coroner, destroy or transfer**
 37 **an original record to the Indiana state archives after the**
 38 **coroner reproduces the record in accordance with the**
 39 **determination under subdivision (1).**

40 **(b) Copies, recreations, or reproductions made under subsection**
 41 **(a):**

42 **(1) shall have the same force and effect at law as the original**



1 record destroyed under subsection (a)(2); and
2 (2) shall be received as evidence in any court where the
3 original record could have been so introduced;
4 if the recreations, copies, or reproductions are properly certified
5 as to authenticity and accuracy by the coroner.
6 (c) A coroner who destroys an original record in accordance
7 with the authority of the coroner under this section is immune
8 from liability under IC 5-15-6-8.

