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SCMF-11-0000105

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the  
RETENTION AND DISPOSITION OF JUDICIARY RECORDS

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ORDER AMENDING THE RECORDS RETENTION  
SCHEDULE FOR THE DISTRICT COURTS

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

IT IS HEREBY ORDERED, pursuant to HRS § 602-5.5, that Records Control Schedule 3, Retention Schedule for the District Courts is amended and adopted in its entirety as set out in the attached Exhibit 1.

DATED: Honolulu, Hawai‘i, April 11, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard w. Pollack



**RETENTION SCHEDULE FOR THE DISTRICT COURTS**

*(Adopted April 11, 2013)*

Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

<b><u>RECORD TITLE</u></b>	<b><u>RETENTION PERIOD</u></b> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<b><u>DISPOSITION</u></b>
<b>1.0 Judicial Services Bureau/Criminal Division</b>		
1.1 Criminal/Traffic Case Records A. Official Criminal Calendars  B. Official Traffic Calendars	2 years  2 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court  Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.2 Court Documents A. Complaints	2 years from Judgment, unless appeal is filed. If appeal is filed, 2 years after entry of judgment on appeal.	Destroy

**RECORDS CONTROL SCHEDULE 3**

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B. Motions	2 years from Judgment, unless appeal is filed. If appeal is filed, 2 years after entry of judgment on appeal.	Destroy
C. Stipulations	2 years from Judgment, unless appeal is filed. If appeal is filed, 2 years after entry of judgment on appeal.	Destroy
D. Orders	2 years from Judgment, unless appeal is filed. If appeal is filed, 2 years after entry of judgment on appeal.	Destroy
E. Search Warrants	2 years from Judgment	Destroy
F. Warrants of Arrest	2 years from Judgment	Destroy
G. Pen Registers	2 years from Judgment	Destroy
H. Court Recording Tapes	10 years from Judgment	Destroy
I. Court Reporter's Notes		Destroy
1. DUI Cases	10 years from Judgment	
2. All others	5 years from Judgment	
J. Completed and Returned Appeals	2 years from last trial court judgment	Destroy
K. Mittimus Books	2 years from Judgment	Destroy
L. Bond Books	5 years from Judgment	Destroy
M. Complaint Books	5 years from Judgment	Destroy
N. Subpoenas	3 months from issuance	Destroy
O. Bench Warrants	Permanent	Permanent

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P. Bench Warrant Books	Permanent	Permanent
Q. Exhibits	1 year from Judgment	Return or Destroy
<b>2.0 Judicial Services Bureau/Civil Division</b>		
2.1 Civil Case Records		
A. Civil Case Files	2 years or termination	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
B. Civil Case Dockets	2 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
C. Civil Case Index	2 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
D. Judgments/Orders	2 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
E. Exhibits	1 year from Judgment	Return or Destroy

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F. Appearance calendar	1 year	Destroy
G. Receipt Books	3 years after audit or 6 years	Destroy
H. Court Recording Tapes/notes	5 years from Judgment	Destroy
2.2 Small Claims Case Records		
A. Case Files	2 years or termination	Destroy
1. If case is unserved	1 year	Destroy
B. Judgments/Orders	1 year	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
C. Case Dockets	2 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
D. Index	1 year	Destroy
E. Exhibits	1 year from Judgment	Destroy
F. Appearance calendar	1 year	Destroy
G. Receipt Books	3 years after audit or 6 years	Destroy
H. Court Recording Tapes/notes	5 years from Judgment	Destroy

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<b>3.0 Traffic Case Records</b>		
<p>A. Case Records</p> <p>The record of each civil or criminal traffic case filed in a District Court of the State of Hawai‘i or with the Traffic Violations Bureau of a District Court of the State of Hawai‘i shall be give a unique case number and shall include:</p> <ol style="list-style-type: none"><li>1. All data entered in the electronic case management system for the case;</li><li>2. Electronic documents generated from the case management system and docketed in the case and electronic documents generated by others and docketed in the case; and</li><li>3. The electronic image of each citation, answer, order, judgment, transcript, exhibit, letter, response, or other document, submitted for and docketed in the case.</li></ol> <p>The electronic record of each case, including any imaged documents or exhibits attached thereto, is the official record. Imaged and electronic documents contained in each case record are deemed original documents and printed or electronic copies may be certified as true and correct copies of the documents in the record of the case.</p> <p>B. Definitions</p> <ol style="list-style-type: none"><li>1. <u>Data Records</u> Data records are composed of electronically preserved bits of information in designated fields in the electronic case management system.</li><li>2. <u>Image</u> An image is an electronic picture or rendering of a document or exhibit that is created in, stored in, or attached to a case record.</li><li>3. <u>Electronic Document</u> An electronic document is a virtual document generated from "on demand printing" functions, report generating programs, or other functions; or submitted by parties.</li></ol>		

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<p>4. <u>Report</u></p> <p>A report is a compilation or assemblage of data from the case management system. A report may be imaged or docketed electronically in a case record as an exhibit.</p> <p>C. Case Management System Data Records</p> <p>Traffic Case Management System data records shall be retained as set out below.</p>		
Parking (Civil)	3 years from satisfaction of judgment	Delete
Moving (Civil)	10 years from entry of judgment	Delete
Equipment (Civil)	10 years from entry of judgment	Delete
Administrative Drivers' License Revocation Reviews not involving a lifetime revocation of license	10 years from entry of judgment	Delete
Administrative Drivers' License Revocation Reviews from lifetime revocation of license	75 years	Delete
Criminal Traffic	10 years from entry of judgment	Delete
<p>D. Traffic Case Documents/Reports</p> <ol style="list-style-type: none"> <li>1. Paper documents shall be imaged upon receipt, docketed in the case management system, and retained and disposed as set out below.</li> <li>2. Electronic documents generated by the case management system, or otherwise entered in the case management system, shall be docketed, retained, and disposed as set out below.</li> </ol>		

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Criminal complaint, information, indictment, or transcript of oral charge; motions, orders, judgments, transcripts, exhibits, warrants, penal summons, or other documents <b>(paper)</b>	until imaged	Shred/destroy, or return to party who submitted; provided where possible that each physical exhibit shall be returned to the party who submitted the exhibit
Criminal complaint, information, indictment, or transcript of oral charge; motion(s), order(s), judgments, transcript(s), exhibit(s), warrant(s), penal summons(es), or other document(s) <b>(microfilm or electronic document)</b>	10 years from entry of judgment	Delete
Parking citation, answer, order, judgment, transcript, exhibit, or other document <b>(paper)</b>	until imaged	Shred/destroy, or return to party who submitted; provided where possible that each physical exhibit shall be returned to the party who submitted the exhibit
Parking citation, answer, order, judgment, transcript, exhibit, or other document <b>(microfilm or electronic document)</b>	3 years from satisfaction of judgment	Delete
Moving citation, answer, order, judgment, transcript, exhibit, or other document <b>(paper)</b>	until imaged	Shred/destroy, or return to party who submitted; provided where possible that each physical exhibit shall be returned to the party who submitted the exhibit

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Moving citation, answer, order, judgment, transcript, exhibit, or other document <b>(microfilm or electronic document)</b>	10 years after entry of judgement	Delete
Equipment citation, answer, order, judgment, transcript, exhibit, or other document <b>(paper)</b>	until imaged	Shred/destroy, or return to party who submitted; provided where possible that each physical exhibit shall be returned to the party who submitted the exhibit
Equipment citation, answer, order, judgment, transcript, exhibit, or other document <b>(microfilm or electronic document)</b>	10 years after the entry of judgment	Delete
All documents filed in Administrative Driver's License Revocation Reviews <b>(paper)</b>	until imaged	Destroy
All documents filed in Administrative Driver's License Revocation Reviews not involving a lifetime revocation of license <b>(microfilm or electronic document)</b>	10 years after the entry of judgment	Delete
All documents filed in Administrative Drivers' License Revocation Reviews for lifetime revocation of license <b>(microfilm or electronic document)</b>	75 years	Delete
Bench Warrants <b>(paper)</b>	until imaged	Destroy

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Bench Warrants ( <b>microfilm or electronic document; not docketed in case</b> )	until recalled	Delete
Penal Summons ( <b>paper</b> )	until imaged	Destroy
Traffic Abstracts prepared for court exhibit in trial <i>de novo</i> ["Judge's Exhibit"] ( <b>paper</b> )	until imaged	Destroy
Traffic Abstracts prepared for court exhibit in trial <i>de novo</i> ["Judge's Exhibit"] ( <b>microfilm or electronic document</b> )	10 years after the entry of judgment	Delete
<p>E. Traffic Administrative Records/Reports</p> <p>Traffic Violations Bureau and Traffic Court Administrative Records that are not otherwise governed by the Judiciary's Financial Administration Manual shall be retained as set out below.</p>		
Traffic Abstract prepared for sale ( <b>paper or microfilm or electronic document</b> )	do not retain	Do not retain
Court calendar ( <b>paper or microfilm or electronic document</b> )	do not retain	Do not retain
Cash Register Tapes	3 years after audit or 6 years	Destroy
Closing Cash Reports	3 years after audit or 6 years	Destroy
Cashier Tally Sheets	3 years after audit or 6 years	Destroy
<i>Ad Hoc</i> Reports ( <b>paper</b> )	until imaged	
<i>Ad Hoc</i> Reports ( <b>microfilm or electronic</b> )	10 years	Delete

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Correspondence that is not part of a case file ( <b>paper or microfilm or electronic</b> )	1 year	Shred/destroy
Employee notes	do not retain	Do not retain
Statistical Reports ( <b>paper</b> )	until imaged	Shred/destroy
Statistical Reports ( <b>microfilm or electronic</b> )	10 years	Delete
Other Reports ( <b>paper</b> )	until imaged	Shred/destroy
Other Reports ( <b>microfilm or electronic</b> )	10 years	Delete
<b>4.0 Auxiliary Offices</b>		
<p>A. Fiscal and Accounting Retention Schedule is contained in the Judiciary Financial Administration Manual.</p> <p>B. Judicial Services Bureau/Criminal Division</p> <ol style="list-style-type: none"> <li>1. Case fine payment record</li> <li>2. Receipts for payment</li> <li>3. Cash register receipts</li> <li>4. Tally Sheets</li> <li>5. Court Bail Receipts</li> </ol>	<p>3 years after audit or 6 years</p>	<p>Destroy</p> <p>Destroy</p> <p>Destroy</p> <p>Destroy</p> <p>Destroy</p>

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C. Driver Education		
1. BW Case File	Indefinitely until closed	Do Not Microfilm
2. Closed Case Files (DUI)	2 years	Do Not Microfilm
3. Closed Case Files (other)	1 year	Do Not Microfilm
4. All other processing records	1 year	Do Not Microfilm
D. Counseling and Probation		
1. Probation case files	5 years	Destroy
E. Community Services Sentencing		
1. All records of completed community service work	3 years from court disposition	Destroy
2. Records of Non-compliance CSW/Bench Warrant Cases		
a. BW Case Files	Indefinitely until closed	Destroy
b. Felony computerized	Retain until 5 years	Destroy
c. Misdemeanor	Retain until computerized	Destroy after 5 years
d. Petty Misdemeanor	Retain until computerized	Destroy after 5 years
e. Traffic (all)	Retain until computerized	Destroy
f. Law Violations (all) Minors	Retain until computerized	Destroy at age 20
g. Status Case Files Minors	Retain until computerized	Destroy at age 20

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<b>5.0 Administrative License Revocation</b>		
A. Case Files <ol style="list-style-type: none"><li data-bbox="310 625 634 695">1. All files except for lifetime revocations</li><li data-bbox="310 737 646 842">2. Lifetime revocations (including multiple lifetime revocations)</li></ol> B. Hearing Recordings	10 years from date of arrest or until electronically imaged  75 years from date of final ADLRO decision or until electronically imaged  6 months	Destroy or Delete  Destroy or Delete  Destroy or Delete