

1 HB357  
2 173175-1  
3 By Representative Johnson (R) (N & P)  
4 RFD: Local Legislation  
5 First Read: 01-MAR-16

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Coosa County; to amend Section  
14 45-19-82.50, Code of Alabama 1975; to authorize the Judge of  
15 Probate of Coosa County to electronically record all documents  
16 that are filed with the office of the judge of probate; and to  
17 authorize the judge of probate to electronically record  
18 previously recorded documents for archival purposes.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 45-19-82.50, Code of Alabama  
21 1975, is amended to read as follows:

22 "§45-19-82.50.

23 "(a) The Judge of Probate of Coosa County pursuant  
24 to Section 12-13-41, shall maintain a general register for all  
25 transactions recorded by the probate office and shall have a  
26 general direct and general reverse index for every instrument  
27 filed. Specifically included in the general register are those

1 instruments described in Section 12-13-41(11) (deeds and  
2 mortgages, etc.); Section 12-13-41(13) (adverse possession);  
3 Section 35-4-52 (bankruptcy petitions); Section 35-4-53 (bonds  
4 for title); Sections 35-4-69 and 35-4-71 (affidavits relative  
5 to chain of title of land); Section 35-4-76 (options to buy  
6 land); Section 35-4-90 (agreements to convey land); Section  
7 35-4-91 (wills which convey real property); Section 35-4-130  
8 (lis pendens and hospital liens); Sections 36-5-3, 36-5-4,  
9 36-5-5, and 36-5-6 (official bonds, notary bonds and oaths of  
10 office); Section 10-2A-93 (corporations); Section 10-4-26  
11 (church minutes which grant trustees the authority to convey  
12 land); Section 6-9-210 (liens of judgment); Section 40-1-2(d)  
13 (tax liens); military discharges; medical records, ~~and any and~~  
14 ~~all other miscellaneous documents may be so registered at the~~  
15 ~~discretion of the judge of probate. Specifically excluded from~~  
16 ~~the general register are these instruments described in~~  
17 ~~Section 12-13-41(2) and (3) (minutes of official acts);~~  
18 ~~Section 12-13-41(4) (probate docket); Section 43-2-502 (final~~  
19 ~~settlements); Section 18-1A-75 (condemnation orders); Section~~  
20 ~~40-10-15 (tax sales); Section 35-2-51(a) (plats); and Section~~  
21 ~~12-19-45 (fees), which shall be maintained as specified by the~~  
22 ~~heretofore existing laws; as well as judicial records and any~~  
23 other records required to be maintained by the office of the  
24 judge of probate.

25 "(b) Each instrument contained in the general index  
26 shall be numbered consecutively ~~and filmed.~~

1           "(c) The judge of probate may retain all or parts of  
2 records for archival purposes using optical storage devices,  
3 other acceptable computerized methods for records storage, or  
4 any combination thereof. The use of photocopying to retain and  
5 archive court records in the county may be discontinued and  
6 replaced with digitized or scanned images of records,  
7 committed to optical storage devices or other acceptable  
8 computerized methods. Records so archived and retained shall  
9 constitute official records of the office of the judge of  
10 probate and of the probate court and may be compiled and  
11 certified, and sold to the public in accordance with  
12 applicable law. All funds collected for copies and  
13 certifications shall be deposited into the county general  
14 fund.

15           "(d) The judge of probate from time to time shall  
16 establish a policy on the sale of or access to computerized  
17 index information and digitized images maintained in the  
18 office of the judge of probate and in the probate court. All  
19 funds received from the sale of information and images shall  
20 be deposited into the county general fund.

21           "(e) All fees collected in accordance with this  
22 section shall be in compliance with existing law relating to  
23 charges and fees to be collected by the Judge of Probate in  
24 Coosa County."

25           Section 2. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

