

---

Schedule No. **10**

---

**Courts of Limited  
Jurisdiction  
Records Schedule**

Local Government Records Committee

Adopted 1998

Last Revised: September 2018

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices’ and Municipal Courts)

RECORD RETENTION SCHEDULE GUIDELINES.....3

1. ADMINISTRATIVE .....5

    1.1 Annual Case Lists .....5

    1.2 Court Calendar .....5

    1.3 Jury Lists/Records .....6

2. FISCAL RECORDS MAINTAINED BY THE COURT .....7

    2.1 Specific Fiscal Records .....7

3. CRIMINAL .....8

    3.1 Criminal Cases.....8

    3.1 Criminal Cases (continued) .....10

    3.2 Criminal Docket Books .....10

    3.3 Search Warrant .....10

4. CIVIL .....11

    4.1 Civil Cases.....11

    4.2 Civil Docket Books.....11

    4.3 Small Claims Cases .....12

    4.4 Small Claims Docket Books .....12

5. EXHIBITS.....12

6. COURT RECORDINGS FOR COURTS OF RECORD 3-10-101(5), MCA .....13

INDEX .....14

*Revisions to Schedule* .....16

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices' and Municipal Courts)

**RECORD RETENTION SCHEDULE GUIDELINES**

A court is not required to dispose of their records. This retention schedule is designed to determine what the length of time to keep a particular record before a court may dispose of it. As long as a court is not required to maintain a record, it is of no concern that a court does not have a particular listed record.

This retention schedule covers Courts of Limited Jurisdiction court records and financial documents.

“Court record” includes:

- a. Any document, information, or other thing that is collected, received, or maintained in the official case file by a court or clerk of court in connection with a judicial proceeding. This section includes the electronic filing or storage of documents pursuant to §3-1-115, MCA; and
- b. Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created by or prepared by the court or clerk of court that is related to a judicial proceeding.

“Court record” does not include:

- a. Notes, drafts and other judicial work product prepared by a judge or for a judge by court staff or individuals working for the judge related to cases before the court when it is not included in the official case file; and
- b. Other non-court records maintained by the public official who also serves as clerk of court.

A court may have records that are not listed as part of this retention schedule. If the item is not listed refer to the Montana Local Government Records Committee Schedule #1 or contact the Local Government Records Committee.

---

## MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10

### Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)

Physical records may be converted to microfilm/fiche or digital. Computer records may be converted to Computer Output Microfilm/fiche (COM) or retained digitally. The Administrative Rules of Montana (ARM) list the following rules:

#### **44.14.201 USE OF ELECTRONIC RECORDS STORAGE SYSTEMS FOR LOCAL GOVERNMENT DOCUMENTS**

(1) Electronic records storage systems may be used for the daily management, storage and retrieval of documents with a retention schedule of 10 years or more (long-term documents) or records with a retention schedule of less than 10 years (short- or medium-term documents) .

History: Sec. [2-6-404](#), MCA; IMP, Sec. [2-6-403](#), MCA; NEW, 1996 MAR p. 3223, Eff. 12/20/96.

#### **44.14.202 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH GREATER THAN TEN YEAR RECORD RETENTION (LONG-TERM RECORDS)**

(1) The Local Government Records Committee adopts and incorporates by reference the Association of Records Managers & Administrators (ARMA) International's Generally Accepted Recordkeeping Principles® for local governments using electronic systems to store long-term records, ©2014 ARMA International, [www.arma.org](http://www.arma.org). Local governments should use them as the framework to design, implement, operate, and decommission the systems and to manage the records and data within the systems.

(2) ARMA's Generally Accepted Recordkeeping Principles® can be accessed on the ARMA web site at the following link: [www.arma.org](http://www.arma.org).  
History: [2-6-404](#), MCA; IMP, [2-6-403](#), [2-6-405](#), MCA; NEW, 1996 MAR p. 3223, Eff. 12/20/96; AMD, 2015 MAR p. 1288, Eff. 8/28/15.

#### **44.14.203 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH LESS THAN TEN YEAR RECORD RETENTION SCHEDULE**

(1) Original short- or medium-term documents that are electronically stored may be destroyed or otherwise disposed of without maintaining a copy in another medium.

History: Sec. [2-6-404](#), MCA; IMP, Sec. [2-6-403](#), MCA; NEW, 1996 MAR p. 3223, Eff. 12/20/96

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

## **Courts of Limited Jurisdiction** (City, Justices' and Municipal Courts)

Courts are to follow the Montana Secretary of State's procedures for requesting disposal of records. Those procedures can be found on the Montana Secretary of State's website, Local Records Forms and Retention Schedules.

All changes from an old schedule item to a new schedule item are effective upon adoption by the Local Government Records Committee. The new retention time may be applied retroactively.

The Montana Historical Society encourages all Courts to notify and offer any case file with historic, significant legal value or public interest prior to the destruction of those records. For guidance contact the State Archivist at the Montana Historical Society, at 406-444-7482.

<b>1. ADMINISTRATIVE</b>	
<b>1.1 Annual Case Lists</b>	
An alphabetized list of party names and case numbers for all cases filed in a year.  For cases entered into computerized case management system, no separate list is necessary.	Retain 10 years. If this list serves as the index to Docket Books, it should be retained permanently.  <i>For guidance on storage options see guidelines in this schedule.</i>
<b>1.2 Court Calendar</b>	
Information may include, case number, party name, attorneys, action, and status of case.  This category does not include yearly planning or periodic scheduling calendars.	Retain 2 years after the end of the calendar year for which it applies.

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices' and Municipal Courts)

<b>1.3 Jury Lists/Records</b> Montana Code Annotated Title 3, Chapter 15, Part 4		
<b>A)</b>	Jury lists created at the beginning of each term	Retain until superseded
<b>B)</b>	Jury questionnaires	Retain until superseded
<b>C)</b>	List of all jury trials for a year	Retain until next jury year (the 12 month period that a jury list is valid)
<b>D)</b>	List of individual jurors called for an individual trial	Retain until next jury year (the 12 month period that a jury list is valid)

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices' and Municipal Courts)

<b>2. FISCAL RECORDS MAINTAINED BY THE COURT</b>		
<b>2.1 Specific Fiscal Records</b>		
<b>A)</b>	Audit reports	Retain for Audit + 7 years
<b>B)</b>	Bank statements, canceled checks, check stubs for court trust accounts	Retain for Audit + 7 years
<b>C)</b>	Bank deposit slips/books, bank receipts	Retain for Audit + 7 years
<b>D)</b>	Checkbook: used	Retain for Audit + 7 years
<b>E)</b>	Checkbook: unused	Retain for Audit + 1 year
<b>F)</b>	Cash receipts—record/journal	Retain for Audit + 7 years
<b>G)</b>	Cash register tape, daily cash balance record	Retain for Audit + 1 year
<b>H)</b>	Collection records	Retain for Audit + 7 years
<b>I)</b>	Collections/distribution journal	Retain for Audit + 7 years
<b>J)</b>	Reconciliation reports, monthly	Retain for Audit + 7 years
<b>K)</b>	Trust/time pay disbursements reports	Retain for Audit + 7 years
<b>L)</b>	Time payment ledger and files	Retain for Audit, + 7 years
<b>M)</b>	Pre-printed receipt books not generated by case management system. For example, Full Court: used.	Retain for Audit + 7 years

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices’ and Municipal Courts)

<b>N)</b>	Unused pre-printed receipt books not generated by case management system. For example, Full Court.	Retain for Audit + 7 years
<b>3. CRIMINAL</b>		
<b>3.1 Criminal Cases</b>		
<p>Types of cases: Felonies, Misdemeanors, Traffic, Ordinances (Misdemeanors)</p> <p>These include initiating documents (complaint, notice to appear, ticket), pleadings, motions, and other documents submitted by parties, court issued documents (minutes, orders, summons, subpoenas, judgments, disposition, or sentence orders).</p> <p>“After closing case” means from dismissal or date final judgment becomes unenforceable. A court should not consider a case closed if restitution is still owed because restitution may be collected even from defendant’s estate.</p> <p>A court is to use the final charge when determining the correct retention period.</p> <p>The Montana Historical Society encourages all Courts to notify and offer any case files that may have historic value or significant legal value, or public interest prior to the destruction of those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482.</p>		
<b>A)</b>	Felony	Retain 10 years after closing case
<b>B)</b>	Partner and Family Member Assault	Retain 75 years after closing case
<b>C)</b>	Driving Under the Influence (Driving Under the Influence, Driving with a Blood Alcohol Content of .08 or greater, Aggravated Driving Under The Influence) (NOT Blood Alcohol Content of .02 or greater while under 21.)	Retain 75 years after closing case
<b>D)</b>	Privacy in Communication	Retain 75 years after closing case



---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices' and Municipal Courts)

<b>E)</b>	Stalking	Retain 75 years after closing case
<b>F)</b>	Theft	Retain 75 years after closing case

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices’ and Municipal Courts)

<b>3.1 Criminal Cases (continued)</b>		
<b>G)</b>	Violations of Order of Protection	Retain 75 years after closing case
<b>H)</b>	Any stacking offense that may result in a felony	Retain 75 years after closing case
<b>I)</b>	Commercial Driver’s License out-of-service convictions	Retain 75 years after closing case
<b>J)</b>	Parking Offenses	Retain 5 years after closing case
<b>K)</b>	All misdemeanors not listed above (including Fish Wildlife Parks, Gross Vehicle Weight, Livestock, Public Service Commission, Traffic, Blood Alcohol of .02 or greater and under 21, and Ordinance)	Retain 10 years after closing case
<b>3.2 Criminal Docket Books</b>		
	Books—usually hardbound—documenting activity on a case.	Permanent.  <i>For guidance on storage options see guidelines in this schedule.</i>
<b>3.3 Search Warrant</b>		
	Includes the affidavit for a search warrant, the search warrant, the return, and the keepers receipt, electronic recording and transcript for a telephonic warrant.	Retain 10 years after disposition or sooner with approval of judge or prosecutor.

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices’ and Municipal Courts)

<b>4. CIVIL</b>		
<b>4.1 Civil Cases</b>		
These include initiating documents (complaint, petitions, notice to appear), pleadings, motions, and other documents submitted by parties, court issued documents (judgments, minutes, orders, summons, and subpoenas).		
The Montana Historical Society encourages all Courts to notify and offer any case files that may have historical value or significant legal value, or public interest prior to the destruction of those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482.		
<b>A)</b>	Closed cases	Retain 10 years from dismissal or date final judgment becomes unenforceable.
<b>B)</b>	Orders of Protection	Retain 10 years from denial, dismissal or date order expires.
<b>C)</b>	Civil Infractions – Violations of a city ordinance that are a civil infraction.	Retain 10 years from dismissal or date final judgment becomes unenforceable.
<b>4.2 Civil Docket Books</b>		
	Books—usually hardbound—to document activity on a case.	Permanent.  <i>For guidance on storage options see guidelines in this schedule.</i>

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices' and Municipal Courts)

<b>4.3 Small Claims Cases</b> Montana Code Annotated Title 25, Chapter 35		
The hearing is tape-recorded and a decision is made from the bench at the time of the hearing.		
<b>A)</b>	Closed cases	Retain 10 years from dismissal or date when final judgment becomes unenforceable.
<b>B)</b>	Audio recordings	Retain 20 days after judgment (i.e., 10 days after appeal time expires, which is 10 days after judgment). See §25-35-803 (1), MCA
<b>4.4 Small Claims Docket Books</b>		
	Books—usually hardbound—used to document activity on a case.	Permanent. <i>For Guidance on storage options see guidelines in this schedule.</i>
<b>5. EXHIBITS</b>		
	Exhibits (criminal or civil case)	See: MCA Title 25, Chapter 24, Uniform Justice and City Court Rule #3(c)

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices' and Municipal Courts)

<b>6. COURT RECORDINGS FOR COURTS OF RECORD 3-10-101(5), MCA</b>	
All recordings of court proceedings in a court of record, not including small claims (See Small Claims Section).	<p>The recording must be kept according to the retention schedule of the particular type of case, either criminal or civil.</p> <p>If the recordings are kept per day and not by case, the recording is to be maintained for the maximum length of time for any case heard that day.</p> <p>Agency must transcribe or storage medium must be readable and accessible for retention period (i.e. avoid medium obsolescence via migration).</p>

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction (City, Justices' and Municipal Courts)**

**INDEX**

**A**

ADMINISTRATIVE.....5  
affidavit for a search warrant.....9  
Aggravated Driving Under The Influence.....8  
Annual Case Lists.....5  
Audit reports .....7

**B**

Bank deposit slips.....7  
bank receipts .....7  
Bank statements .....7  
Blood Alcohol Content of .02 or greater while under  
21 .....8  
Blood Alcohol of .02 or greater and under 21 .....9

**C**

anceled checks.....7  
Cash receipts .....7  
Cash register tape .....7  
check stubs.....7  
Checkbook .....7  
CIVIL..... 10  
Civil Docket Books ..... 10  
Civil Infractions..... 10  
closing case .....8  
Collection records .....7  
Collections/distribution journal .....7  
Commercial Driver's License out-of-service .....9  
complaint .....8  
Court Calendar .....5  
Criminal Docket Books .....9

**D**

daily cash balance record.....7  
disposition .....8

Driving Under the Influence ..... 8  
Driving with a Blood Alcohol Content of .08 or  
greater ..... 8

**E**

Exhibits ..... 11

**F**

Felonies..... 8  
Felony ..... 8  
final charge ..... 8  
Fish Wildlife Parks ..... 9

**G**

Gross Vehicle Weight ..... 9

**J**

judgments..... 8  
Jury Lists/Records..... 6

**K**

keepers receipt..... 9

**L**

Livestock ..... 9

**M**

minutes..... 8  
misdemeanors..... 9  
Misdemeanors..... 8  
motions..... 8

**N**

notice to appear ..... 8

---

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction (City, Justices’ and Municipal Courts)**

<b>O</b>		Search Warrants .....	9
orders .....	8	sentence orders.....	8
Orders of Protection .....	10	Small Claims.....	11
Ordinance.....	9	stacking offense.....	9
<b>P</b>		Stalking .....	8
Parking.....	9	subpoenas .....	8
Partner and Family Member Assault .....	8	summons .....	8
pleadings .....	8	<b>T</b>	
Pre-printed receipt books .....	7	telephonic warrant.....	9
Privacy in Communication .....	8	Theft .....	8
Public Service Commission.....	9	ticket.....	8
<b>R</b>		Time payment ledger and files.....	7
Reconciliation reports .....	7	Traffic.....	9
recordings.....	11, 12	Traffic, Ordinances .....	8
restitution.....	8	Trust/time pay disbursements reports .....	7
return .....	9	<b>V</b>	
Revisions to Schedule.....	15	Violations of Order of Protection .....	9
<b>S</b>			
search warrant .....	9		

**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices’ and Municipal Courts)

<i>Revisions to Schedule</i>		
Date	Page	Change
2013	2	1. <b>Added</b> Table of Contents
	13-14	2. <b>Added</b> numbering system to schedule
	6	3. <b>Added</b> Index to schedule
		4. <b>1.3 JURY LISTS/RECORDS – changed terminology:</b> <i>Jury lists created at the beginning of each term</i>
		5. <b>Deleted</b> Dissemination Log section
		6. <b>Deleted</b> Prior Offense Records section
	11	7. <b>4.3 SMALL CLAIMS CASES – added to title:</b> <i>Montana Code Annotated, Title 25 Chapter 35</i>
	11	8. <b>4.3 SMALL CLAIMS CASES – B) Audio Recordings – added:</b> <i>See 25-35-803(1) MCA</i>
	11	9. <b>5. EXHIBITS – added:</b> <i>See MCA, Title 25, Chapter 24, Uniform Justice and City Court Rule #3(c)</i>
	12	10. <b>Added:</b> <i>6. COURT RECORDINGS FOR COURTS OF RECORD 3-10-101(5), MCA</i>
	3	11. <b>Added</b> the following language to: <ul style="list-style-type: none"> <li>• <b>Guidelines</b></li> <li>• <b>3.1 Criminal Cases</b></li> <li>• <b>4.1 Civil Cases</b></li> </ul> <i>“The Montana Historical Society encourages all Courts to notify and offer any case files that may have historic value or significant legal value, or</i>
8		
10		



**MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE #10**

**Courts of Limited Jurisdiction** (City, Justices’ and Municipal Courts)

<i>Revisions to Schedule</i>		
Date	Page	Change
2013 <i>(continued)</i>	5 9 10 11	<p><i>public interest prior to the destruction of those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482.”</i></p> <p>12. <b>Added</b> the following language to:</p> <ul style="list-style-type: none"> <li>• <b>1.1 Annual Case Lists</b></li> <li>• <b>3.2 Criminal Docket Books</b></li> <li>• <b>4.2 Civil Docket Books</b></li> <li>• <b>4.4 Small Claims Docket Books</b></li> </ul> <p><i>“For guidance on storage options see guidelines in this schedule.”</i></p>
November 2013	4	The following paragraph was <b>added</b> to the <b>Guidelines</b> – <i>“All changes from an old schedule item to a new schedule item are effective upon adoption by the Local Government Records Committee. The new retention time may be applied retroactively.”</i>
September 2018	Page 3&4	Updated to reflect updates to the Secretary of State’s administrative rule #44.12.202 and digital storage of records.