

Supreme Court of Kentucky

2022-55

**In Re: Kentucky Court of Justice Records Held by Persons or Entities
 Outside the Judicial Branch**

Under KRS 26A.200, all court records made by or generated for or received by any court in the Commonwealth of Kentucky are the property of the Kentucky Court of Justice and subject to the exclusive control and jurisdiction of the Kentucky Supreme Court. Further, under KRS 26A.220, any person or entity having custody or control or who is otherwise in possession of court records shall comply with any rule, regulation, standard, procedure, or order issued by the Chief Justice.

Under Section 110(5)(b) of the Constitution of Kentucky and KRS 26A.200-.220, the Chief Justice has established record retention schedules for all court records in accordance with applicable laws, which account for their historical value as well as the economic burden of preserving such records.

Under KRS 171.450 and 725 KAR 1:010, the Chief Justice, as the chief executive officer for the Kentucky Court of Justice, has designated a Records Officer for the Court of Justice who is responsible for inventorying, analyzing, preserving, and scheduling the disposition of court records in accordance with the Court of Justice record retention policies.

The Chief Justice, finding it necessary to ensure that court records, which are required to be accessioned and preserved or otherwise destroyed as set forth in the Court of Justice record retention policies, are:

1. Maintained at a centralized location;
2. Available for public inspection unless prohibited by law;
3. Secured in such a manner so as to protect the integrity and completeness of the record; and

4. Stored in a controlled environment designed to preserve records and minimize the risk of loss by natural disaster; and

Further, finding that some court records required to be accessioned and preserved or otherwise destroyed are currently not in the custody of the Kentucky Court of Justice;

HEREBY ORDERS that all court records held by a person or entity who has not been designated by the Supreme Court of Kentucky to keep and maintain such records shall be immediately turned over to the custody of the Kentucky Court of Justice as directed by the Kentucky Court of Justice Records Officer.

Any person or entity failing to turn over such records at the direction of the Kentucky Court of Justice Records Officer will be in direct violation of this order and may be required to show cause as to why they should not be held in contempt. Further, the Kentucky Court of Justice considers the failure to turn over such records at the direction of the Kentucky Court of Justice Records Officer to constitute theft and may refer the matter to the appropriate law enforcement authority.

Entered this 2nd day of December 2022.


CHIEF JUSTICE