

1077

RECORDS, COURT—CLERK OF COURTS MAY PHOTOGRAPH RECORD HE IS REQUIRED TO MAKE UNDER SECTION 2883 G. C.—SECTION 32-1 G. C.—AMENDED SENATE BILL 14, 98th GENERAL ASSEMBLY.

SYLLABUS:

Section 32-1, General Code, as amended by Amended Senate Bill No. 14, 98th General Assembly, authorizes a clerk of courts to photograph the record he is required to make under Section 2883, General Code.

Columbus, Ohio, October 6, 1949

Hon. Frank T. Cullitan, Prosecuting Attorney
Cuyahoga County, Cleveland, Ohio

Dear Sir:

Your request for my opinion is as follows:

"In pursuance to the request of Leonard F. Fuerst, Clerk of Courts of Cuyahoga County, Ohio, I am submitting for your consideration an opinion on the question of whether or not under Amended Senate Bill No. 14 (Sections 32-1, 2759 and 8548-1 G. C.) the said Clerk may microfilm the record or records referred to in Section 2883 of the General Code."

Section 2883 of the General Code, referred to in your request reads as follows:

"Unless by order on the journal a record is dispensed with, the clerk shall make a complete record of each cause within six months after final judgment or order of the proper court. On his failing to make such record within such time, the clerk may be removed by the court of common pleas."

Under Section 2883 supra, the clerk is required to make a complete record of each cause.

Section 32-1 of the General Code, as amended by Amended Senate Bill No. 14, 98th General Assembly, effective July 28, 1949, reads as follows:

" * * * Whenever any officer, office, court, commission, board, institution, department, agent or employee of the state, or of a county, or any political subdivision, being charged with the duty or authorized or required by law to record, preserve, keep, maintain or file any record, document, plat, court file, paper or instrument in writing, or to make or furnish copies of any thereof, shall deem it necessary, or advisable, when recording any such document, plat, court file, paper or instrument in writing, or when making a copy or reproduction of any thereof or of any such record, for the purpose of recording or copying, preserving and protecting the same, reducing space required for storage or any similar purpose, to do so by means of any photostatic, photographic, miniature photographic, film, microfilm or micro-photographic process, which correctly and accurately copies or reproduces, or provides a medium of copying or reproducing the original record, document, plat, court file, paper or instrument in writing, the use, by such officer, office, court, commission, board, institution, department, agent or employee, of any such photographic process, for any such purpose, is hereby authorized;
* * * "

It is evident from a reading of Section 32-1 supra, that the clerk of courts has such authority.

In specific answer to your question it is my opinion that Section 32-1 of the General Code, as amended by Amended Senate Bill No. 14, 98th General Assembly, gives authority to the clerk of courts to photograph the record he is required to make under Section 2883, General Code.

Respectfully,

HERBERT S. DUFFY,
Attorney General.