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AB-1450 Court reporters: electronic transcripts. (2017-2018)

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Date Published: 10/06/2017 09:00 PM

Assembly Bill No. 1450

CHAPTER 532

An act to repeal and add Section 271 of the Code of Civil Procedure, relating to court reporters.

[Approved by Governor October 06, 2017. Filed with Secretary of State October 06, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1450, Obernolte. Court reporters: electronic transcripts.

Existing law requires an official reporter or official reporter pro tempore of the superior court to take down in shorthand specified information regarding the testimony and proceedings before the court in civil cases, felony cases, and misdemeanor or infraction cases on order of the court, and in only civil cases or felony cases, at the request of a party or counsel. Existing law authorizes a court, party, or other person entitled to a transcript to request that it be delivered in computer-readable form, except as specified.

This bill would instead require an official reporter or official reporter pro tempore to deliver a transcript in electronic form, in compliance with the California Rules of Court, to any court, party, or person entitled to the transcript, as specified, unless, among other things, the party or person requests the transcript in paper form. The bill would provide that an official reporter or official reporter pro tempore is not required to use a specific vendor, technology, or software to comply with this requirement unless he or she agrees with the court, party, or person entitled to the transcript to use a specific vendor, technology, or software.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 271 of the Code of Civil Procedure is repealed.

SEC. 2. Section 271 is added to the Code of Civil Procedure, to read:

271. (a) An official reporter or official reporter pro tempore shall deliver a transcript in electronic form, in compliance with the California Rules of Court, to any court, party, or person entitled to the transcript, unless any of the following apply:

- (1) The party or person entitled to the transcript requests the reporter's transcript in paper form.
- (2) Prior to January 1, 2023, the court lacks the technical ability to use or store a transcript in electronic form pursuant to this section and provides advance notice of this fact to the official reporter or official reporter pro tempore.
- (3) Prior to January 1, 2023, the official reporter or official reporter pro tempore lacks the technical ability to deliver a transcript in electronic form pursuant to this section and provides advance notice of this fact to the court, party, or person entitled to the transcript.

(b) If a paper transcript is delivered in lieu of an electronic transcript described in subdivision (a), within 120 days of the official reporter or official reporter pro tempore filing or delivering the paper transcript, the official reporter or official reporter pro tempore shall provide, upon request, a copy of the original transcript in full text-searchable portable document format (PDF) if the proceedings were produced with computer-aided transcription equipment. The copy of the original transcript in full text-searchable PDF format shall not be deemed to be an original transcript.

(c) Nothing in this section changes any requirement set forth in Section 69950 or 69954 of the Government Code, regardless of whether a transcript is delivered in electronic or paper form.

(d) Except as provided in subdivision (b), an electronic transcript delivered in accordance with this section shall be deemed to be an original transcript for all purposes, including any obligation of an attorney to maintain or deliver a file to a client.

(e) An electronic transcript shall comply with any format requirement imposed pursuant to subdivision (a). However, an official reporter or official reporter pro tempore shall not be required to use a specific vendor, technology, or software to comply with this section, unless the official reporter or official reporter pro tempore agrees with the court, party, or person entitled to the transcript to use a specific vendor, technology, or software. Absent that agreement, an official reporter or official reporter pro tempore may select the vendor, technology, and software to comply with this section and the California Rules of Court. In adopting transcript format requirements for the California Rules of Court, consideration shall be given on a technology-neutral basis to the availability of relevant vendors of transcript products, technologies, and software.

(f) After January 1, 2023, if new or updated rule of court format requirements for electronic transcripts necessitate a significant change in equipment or software owned by official reporters or official reporters pro tempore, the official reporters and official reporters pro tempore shall be given no less than one year to comply with the format requirements. If the change is necessary to address a security issue, then a reasonable time shall be given to comply with the new format requirements.