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AB-253 Remote court reporting. (2019-2020)

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Assembly Bill No. 253

CHAPTER 419

An act to add Section 69959 to, and to add and repeal Section 69959.5 of, the Government Code, relating to courts.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 253, Mark Stone. Remote court reporting.

Existing law authorizes a superior court to appoint official court reporters and specifies the fees for court reporting services.

This bill would prohibit courts from using remote court reporting, as defined, to produce the record of any court proceedings and from expending any funds to purchase equipment or software to facilitate the use of remote court reporting. Notwithstanding these prohibitions, the bill would authorize, until January 1, 2022, the Santa Clara Superior Court to conduct a pilot project to study the potential use of remote court reporting to make the verbatim record of certain court proceedings that include child support and misdemeanor cases. The bill would require, if the Santa Clara Superior Court elects to conduct the pilot project, the remote court reporting to be performed only by official reporters who meet specified qualifications that include having 5 years of courtroom experience. The bill would require the presiding judge of the Santa Clara Superior Court to appoint a committee to prepare a report to the Legislature on the results of the pilot project and would require the committee's report to be presented to the Legislature within 6 months of the conclusion of the pilot project. The bill would require the pilot project to terminate no later than December 31, 2020.

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

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

SECTION 1. Section 69959 is added to the Government Code, to read:

69959. (a) Remote court reporting shall not be used by courts to make the record of any court proceedings, and courts shall not expend any funds to purchase equipment or software to facilitate the use of remote court reporting.

(b) "Remote court reporting" means the use of a stenographic reporter who is not present in the courtroom to produce a verbatim record of court proceedings that are transmitted by audiovisual means to the reporter.

SEC. 2. Section 69959.5 is added to the Government Code, to read:

69959.5. (a) For purposes of this section, "remote court reporting" means the use of a stenographic reporter who is not present in the courtroom to produce a verbatim record of court proceedings that are transmitted by audiovisual means to the reporter.

(b) Notwithstanding Section 69959, the Santa Clara Superior Court is authorized to conduct a pilot project to study the potential use of remote court reporting to make the verbatim record of certain court proceedings. If the court elects to conduct this pilot project, the pilot project shall comply with all of the following requirements:

(1) The remote court reporting shall be performed only by full-time official reporters employed by the Santa Clara Superior Court who have at least five years of courtroom experience.

(2) The official reporters shall be physically located in Santa Clara Superior Court facilities while performing the remote court reporting. After 180 days of meaningful remote court reporting testing, the Santa Clara Superior Court and the exclusive representative of the official reporters of the Santa Clara Superior Court may, by mutual agreement, agree to include an additional offsite location to test remote court reporting.

(3) A maximum of two courtrooms may be equipped to participate in the pilot project.

(4) Remote court reporting may be used only to report proceedings in limited civil cases and child support, misdemeanor, and infraction cases.

(5) Transcripts created through remote court reporting as part of the pilot project may be used whenever a transcript of court proceedings is required. The fees of the official reporter and costs of transcript preparation for remote court reporting shall be the same as when an official reporter is present in the courtroom.

(6) The presiding judge of the Santa Clara Superior Court shall appoint a committee to prepare a report to the Legislature on the results of the pilot project. The committee shall include at least two judicial officers who participated in the pilot project, at least two official reporters chosen by the exclusive bargaining representative of the official reporters of the Santa Clara Superior Court, and at least two attorneys who regularly practice in the Santa Clara Superior Court. The committee's report shall be presented to the Legislature, in accordance with Section 9795, within six months of the conclusion of the pilot project.

(7) The pilot project shall terminate by no later than December 31, 2020. The Santa Clara Superior Court shall terminate the pilot project earlier if the court determines that the use of remote court reporting is prejudicing the rights of litigants or the interests of justice.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.