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AB-3013 Courts: remote court reporting. (2023-2024)

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Assembly Bill No. 3013

CHAPTER 250

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

[Approved by Governor September 14, 2024. Filed with Secretary of State September 14, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3013, Maienschein. Courts: remote court reporting.

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

This bill would, notwithstanding these provisions, authorize, beginning July 1, 2025, the Superior Courts of the Counties of Alameda, Contra Costa, Los Angeles, Mendocino, Monterey, Orange, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Clara, Tulare, and Ventura to conduct pilot projects to study the potential use of remote court reporting to make the verbatim record of certain court proceedings. The bill would require, if the superior court elects to conduct a pilot project, the remote court reporting to be performed only by official reporters who meet specified qualifications and conditions. The bill would require the official reporters to be physically located in a court facility while performing the remote court reporting or, alternatively, authorize the superior court and the exclusive representative of the official reporters to meet and confer to reach agreement no later than June 30, 2025, to include additional offsite locations to test remote court reporting, as specified. The bill would authorize no more than 20 percent of full-time official court reporters, or for courts with fewer than 10 full-time official court reporters, 2 court reporters, in the participating county to participate in the pilot project. The bill would specify the requirements for participating superior courts to be equipped by June 30, 2025. The bill would authorize remote court proceedings to be used to report proceedings in limited civil, law and motion for unlimited civil cases, family law, child support, probate, juvenile dependency, juvenile delinquency, felony and misdemeanor criminal proceedings except preliminary hearings, trials, and death penalty cases, and would authorize transcripts created through remote court reporting to be used whenever a transcript of court proceedings is required. The bill would prohibit court reporters participating in the pilot project from being held responsible for failures in technology or equipment and, if technology or audibility issues inhibit the court reporter's ability to accurately capture and certify a verbatim record, the bill would require the court to temporarily suspend the proceeding until the issues can be resolved. The bill would prohibit a trial court from retaliating or threatening to retaliate against a court reporter who notifies the judicial officer that technology or audibility issues are impeding the creation and certification of the verbatim record of a proceeding. The bill would require each participating court to submit specified data and information to the Judicial Council on the results of the pilot project. The bill would require the Judicial Council to compile the results from each participating court and to prepare a report for the Legislature within 6 months of the conclusion of the pilot project. The bill would require the pilot projects to terminate no later than July 1, 2026, or earlier if a participating court determines that the use of remote court reporting is prejudicing the rights of litigants or the interests of justice.

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

SECTION 1. 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 Superior Courts of the Counties of Alameda, Contra Costa, Los Angeles, Mendocino, Monterey, Orange, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Clara, Tulare, and Ventura are authorized to conduct pilot projects, beginning on July 1, 2025, to study the potential use of remote court reporting to make the verbatim record of certain court proceedings. Participating superior courts shall comply with all of the following requirements:

(1) The remote court reporting shall be performed only by full-time official reporters licensed pursuant to Section 8024 of the Business and Professions Code and employed by the participating superior court who have at least two years of courtroom experience in a California superior court. Court reporters who participate in the remote court reporting pilot project shall be treated in the same manner as other official reporters employed by the court, including, but not limited to, compensation, benefits, classification, seniority, job description, and bargaining units.

(2) The official reporters shall be physically located in a court facility while performing the remote court reporting. Alternatively, the superior court and the exclusive representative of the official reporters may meet and confer and reach agreement by June 30, 2025, to include additional offsite locations to test remote court reporting. Such an agreement shall also specify the equipment needed for these locations and how the participating court will provide that equipment.

(3) (A) No more than 20 percent of the total full-time official court reporters, or for courts with fewer than 10 full-time official court reporters, 2 court reporters, in the participating court may be in the pilot project.

(B) Notwithstanding subparagraph (A), in counties with a population of 2,000,000 or more, no more than 10 percent of the total full-time official court reporters in the participating court may be in the pilot project.

(C) The participating superior court shall equip courtrooms with necessary equipment by no later than June 30, 2025. For the purposes of this chapter, "necessary equipment" means:

(i) Individual microphones for each participant, including the judicial officer, witnesses, jury box, counsel table, and lectern or podium or other place where participants may speak.

(ii) (I) Cameras with a dedicated frontal view of the judicial officer, witnesses, jury box, counsel tables, and lectern or podium or other place where participants may speak.

(II) Notwithstanding subclause (I), the camera in the jury box shall not be utilized any time jurors or prospective jurors are present. The camera shall be removed from the courtroom, covered, or otherwise disabled in a manner to permit a juror or prospective juror and court personnel to easily recognize the camera is not active.

(iii) Speakers that allow the court reporter to be heard clearly throughout the courtroom.

(iv) Speakers and microphone for the court reporter.

(v) Camera for the court reporter.

(vi) Two-way means of communication between the court reporter and the judicial officer. Court reporters shall be given the ability to mute and unmute their own audio to maintain communication with the judicial officer.

(4) A participating court may elect to use remote court reporting in limited civil, law and motion for unlimited civil cases, family law, child support, probate, juvenile dependency, juvenile delinquency, and felony and misdemeanor criminal proceedings except preliminary hearings, trials, and death penalty 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) Court reporters participating in the pilot project shall not be held responsible for failures in technology or equipment. If technology or audibility issues inhibit the court reporter's ability to accurately capture and certify a verbatim record, the court shall temporarily suspend the proceeding until the issues can be resolved. A trial court shall not retaliate or threaten to retaliate

against a court reporter who notifies the judicial officer that technology or audibility issues are impeding the creation and certification of the verbatim record of a proceeding.

(7) (A) Each participating superior court shall submit data and information to the Judicial Council on the results of the pilot project. In compiling feedback on the results, each superior court shall obtain feedback from the following individuals who participated in the pilot project:

(i) At least two judicial officers or, if only one judicial officer participated, that judicial officer.

(ii) At least two court reporters chosen by the exclusive bargaining representative of the official court reporters or, if only one court reporter participated, that court reporter.

(iii) At least two attorneys who regularly practice in the participating court.

(iv) The chief public defender or their designee if the remote reporting occurred in criminal or juvenile delinquency proceedings.

(v) The district attorney or their designee if the remote reporting occurred in criminal or juvenile delinquency proceedings.

(B) The Judicial Council shall compile the results from each participating superior court and prepare a report for the Legislature. This report shall be presented to the Legislature, along with each participating superior court's individual report, in accordance with Section 9795, within six months of the conclusion of the pilot project.

(c) (1) All pilot projects authorized pursuant to this section shall terminate by no later than July 1, 2026. A participating superior court shall terminate its 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.

(2) This section shall remain in effect only until June 1, 2027, and as of that date is repealed.