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## AB-882 Electronic court reporting. (2025-2026)

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AMENDED IN SENATE JULY 17, 2025

AMENDED IN SENATE JUNE 23, 2025

AMENDED IN ASSEMBLY JUNE 02, 2025

AMENDED IN ASSEMBLY APRIL 09, 2025

AMENDED IN ASSEMBLY MARCH 20, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### ASSEMBLY BILL

NO. 882

Introduced by Assembly Member Papan

February 19, 2025

An act to add and repeal Section 69957.5 of the Government Code, relating to court reporting.

### LEGISLATIVE COUNSEL'S DIGEST

AB 882, as amended, Papan. Electronic court reporting.

Existing law regulates official court reporters in the superior courts. Under existing law, a court may use electronic recording equipment in a limited civil case, a misdemeanor or infraction case, or for the internal purpose of monitoring subordinate judicial officer performance. Existing law requires, prior to purchasing or leasing any electronic recording technology or equipment, a court to obtain advance approval from the Judicial Council.

This bill would, until January 1, 2028, authorize the court to use electronic recording technology in civil proceedings when specified circumstances are met, including, among other things, when a litigant who cannot afford to retain a private court reporter has requested a verbatim record of the proceeding. The bill would require a court to find that a litigant cannot afford to retain a private court reporter if any specified circumstances are met, including when the litigant has been granted a waiver of court fees for the proceeding. The bill would require the court to follow prescribed procedures when ~~using electronic recording in civil proceedings~~, *the court lacks sufficient reporters or official reporters pro tempore to provide verbatim records, as specified*, including, among other things, providing public notice that the court is accepting applications from certified shorthand reporters for positions as official court reporters. The bill would set forth a grievance and arbitration process for resolving disputes regarding compliance with these provisions, as specified. The bill would require a transcript created from electronic recordings to include a designation for portions of the recording that contain no audible sound or are not discernible.

*The bill would require the Judicial Council to develop and approve official forms for use in trial courts consistent with the above provisions. The bill would require each trial court to report to the Judicial Council, on a quarterly basis, specified information, including, among other things, the number of applications received by the court from certified shorthand reporters. The bill would require the Judicial Council to make this information public available on its internet website.*

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

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

### **SECTION 1.** Section 69957.5 is added to the Government Code, to read:

**69957.5.** (a) Notwithstanding Section 69957, if a court is unable, after due diligence, to hire or retain sufficient official reporters or official reporters pro tempore to provide verbatim records to civil litigants who cannot afford to retain a private court reporter and have requested a verbatim record of the civil proceedings, the court may, subject to the requirements of this section, use electronic recording to make a record of those civil proceedings. A transcript derived from such an electronic recording may be utilized whenever a transcript of court proceedings is required. Transcripts derived from electronic recordings shall include a designation of "inaudible" or "unintelligible" for those portions of the recording that contain no audible sound or are not discernible.

(b) Notwithstanding this section, electronic recording shall not be used to make the record in juvenile dependency proceedings, juvenile delinquency proceedings, proceedings under the Sexually Violent Predator Act (Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code), or other civil commitment proceedings. Electronic recording shall not be used in criminal proceedings, except as permitted by Section 69957 for misdemeanor and infraction proceedings. *This section does not apply to the use of electronic recording in limited civil proceedings as permitted by Section 69957.*

(c) Electronic recording may be utilized in the circumstances authorized by this section only if the judicial officer presiding over the civil proceeding finds that all of the following requirements are satisfied:

- (1) The litigant has requested a verbatim record of the proceeding.
- (2) The litigant cannot afford to retain a private court reporter to make a verbatim record of the proceeding.
- (3) No official reporter or official reporter pro tempore hired or retained by the court is available to make a verbatim record of the proceeding.
- (4) No other party to the proceeding has retained a private court reporter to serve as an official reporter pro tempore for the proceeding.

~~(d) A party to a civil proceeding who cannot afford to retain a private court reporter and who seeks to have the court make a record of an oral proceeding in a department in which court reporters are not regularly provided shall submit a written request to the court at least one court day before the hearing, unless the litigant lacks advance notice of the hearing.~~

~~(e)~~

~~(d)~~ If a court ~~uses electronic recording to make records of civil proceedings in circumstances authorized by this section,~~ *lacks sufficient official reporters or official reporters pro tempore to provide verbatim records to civil litigants who cannot afford to retain private court reporters and have requested a verbatim record of the civil proceedings,* all of the following requirements shall apply:

- (1) The court shall provide public notice that the court is accepting applications from certified shorthand reporters for positions as official court reporters. The court shall provide such notice to major court reporter job boards and to court reporting schools in California. The court shall maintain records of its outreach and recruitment activities.
- (2) The court shall offer employment to all *qualified* certified shorthand reporters who apply for official reporter positions unless ~~there is good cause~~ *the court has a reasonable basis* for rejecting the applicant. In the event of a dispute, the court shall have the burden of showing that ~~an applicant was rejected for good cause.~~ *the court had a reasonable basis for rejecting the applicant.* The court shall maintain records of applications received, interviews conducted, and reasons for hiring decisions.
- (3) The court shall not adopt any unreasonable barriers to applications or to hiring applicants. In the event of a dispute, the court shall have the burden of showing that its requirements are reasonable.
- (4) In addition to hiring official reporters, the court shall make all reasonable efforts, consistent with the court's budget, to retain official reporters pro tempore to supplement the work of official reporters. In the event of a dispute, the court shall have the burden of showing that its efforts were reasonable.

*(5) The court shall have a reasonable protocol for determining whether official reporters pro tempore assigned to other departments in the same courthouse are available to report civil proceedings.*

*(6) The court shall maintain records identifying dates, departments, and civil proceedings for which electronic recording was used in the circumstances authorized by this section.*

~~(6)~~

*(7) (A) If the official reporters in the court are represented by a recognized employee organization, the court shall, upon request of the employee organization, meet and confer with the employee organization about the court's efforts to recruit official court reporters and provide the employee organization with the records that the court is required by this section to maintain. The court shall redact personal information that is necessary to protect confidentiality.*

(B) If the official reporters are not represented by a recognized employee organization, the court shall, upon the request of any official reporter employed by the court, provide the official reporter with the records that the court is required by this section to maintain. *The court shall redact personal information that is necessary to protect confidentiality.*

~~(6) If the official reporters employed by the court are represented by a recognized employee organization, the court shall forward a copy of written requests submitted pursuant to subdivision (d) on the same day the request is submitted to the court.~~

~~(7) Courts shall not, without the consent of the official reporter, reassign an official reporter who was regularly assigned to a family law, probate, or other civil department on the effective date of this section where the reassignment would create a need to use electronic recording in that department.~~

(8) (A) If the official reporters in the court are represented by a recognized employee organization, the employee organization may file a grievance with the court if the employee organization contends that the court has violated this subdivision. Unless the parties to the dispute agree upon other procedures after the dispute arises, or other procedures are provided in a memorandum of understanding or agreement with a recognized employee organization, unresolved disputes between the recognized employee organization and the court concerning a violation of this subdivision shall be submitted for binding arbitration to the California State Mediation and Conciliation Service.

~~(B) If the official reporters are not represented by a recognized employee organization, any official reporter employed by the court may file a grievance with the court if the reporter contends that the court has violated this subdivision and, if the dispute is not resolved, submit the dispute for binding arbitration to the California State Mediation and Conciliation Service.~~

~~(6)~~

(B) The grievance and arbitration process set forth in this ~~subdivision~~ *paragraph* shall be the exclusive means of resolving disputes about compliance with this subdivision.

*(e) Paragraph (1), (2), or (3) of subdivision (d) does not apply to a court that lacks sufficient work for an additional full-time official reporter.*

(f) For purposes of this section, a court shall find that a litigant who has requested a verbatim record of a proceeding cannot afford to retain a private court reporter if any of the following requirements is satisfied:

(1) The litigant has been granted a waiver of court fees for the proceeding.

(2) The litigant is represented in the proceeding without charge by a nonprofit legal aid organization.

(3) The litigant establishes to the satisfaction of the judicial officer that the litigant lacks the financial ability to retain a private court reporter for the proceeding.

*(g) (1) The Judicial Council shall develop and approve official forms for use in trial courts consistent with the provisions of subdivisions (a), (b), (c), and (f).*

*(2) Each trial court shall report to the Judicial Council on a quarterly basis the number of applications received by the court from certified shorthand reporters for positions as official reporters pro tempore, the number of applicants who were offered employment, and the number of applicants who accepted employment. The Judicial Council shall make this information available to the public on its internet website.*

~~(g)~~

*(h) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.*

