

AMENDED IN ASSEMBLY APRIL 28, 2004

AMENDED IN ASSEMBLY MARCH 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2057

Introduced by Assembly Member Harman

February 17, 2004

~~An act to amend Sections 2021 and 2025 of the Code of Civil Procedure, relating to production of evidence. An act to add Section 8016.5 to the Business and Professions Code, relating to certified shorthand reporters.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2057, as amended, Harman. ~~Production of evidence: depositions~~ *Shorthand reporters: civil actions.*

~~Existing law establishes the methods by which a party to a legal action may obtain discovery by taking an oral deposition of any person. Existing law requires a deposition to be conducted under the supervision of an officer who is authorized to administer an oath.~~

~~This bill would instead require the deposition to be conducted under the supervision of an officer who is certified as a shorthand reporter, except as specified. The bill would also revise related provisions regarding written stipulations for depositions.~~

~~Existing law sets forth the licensing requirements of certified shorthand reporters and makes it a crime to violate provisions of law relating to the qualifications and requirements of certified shorthand reporters these requirements.~~

This bill would prohibit parties in a civil action from waiving the licensing requirements of certified shorthand reporters by stipulating to the use of an unlicensed shorthand reporter, except in a circumstance in which a licensed shorthand reporter is not otherwise required by law.

Because a violation of this bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 2021 of the Code of Civil Procedure is~~
- 2 *SECTION 1. Section 8016.5 is added to the Business and*
- 3 *Professions Code, to read:*
- 4 *8016.5. The parties in a civil action may not waive the*
- 5 *licensing requirements of shorthand reporters, as set forth in this*
- 6 *chapter, by stipulating to the use of an unlicensed shorthand*
- 7 *reporter, except in any circumstance in which a licensed shorthand*
- 8 *reporter is not otherwise required by law.*
- 9 *SEC. 2. No reimbursement is required by this act pursuant to*
- 10 *Section 6 of Article XIII B of the California Constitution because*
- 11 *the only costs that may be incurred by a local agency or school*
- 12 *district will be incurred because this act creates a new crime or*
- 13 *infraction, eliminates a crime or infraction, or changes the penalty*
- 14 *for a crime or infraction, within the meaning of Section 17556 of*
- 15 *the Government Code, or changes the definition of a crime within*
- 16 *the meaning of Section 6 of Article XIII B of the California*
- 17 *Constitution.*



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All matter omitted in this version of the bill appears in the bill as amended in the Assembly, March 22, 2004 (JR 11)

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