

ASSEMBLY BILL

No. 2076

Introduced by Assembly Member Ma

February 23, 2012

An act to amend Section 68086 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2076, as introduced, Ma. Official court reporter fee.

Existing law requires the charge of an official court reporter fee, in addition to any other fee required in civil actions or cases, for each proceeding lasting more than one hour, in an amount equal to the actual cost of providing that service per one-half day of services to the parties, on a pro rata basis, for the services of an official court reporter on the first and each succeeding judicial day those services are provided, as specified. Fees collected pursuant to this provision may be used only to pay for services of an official court reporter in civil proceedings. Existing law requires the Judicial Council to report on or before February 1 of each year to the Joint Legislative Budget Committee on specified fees collected by courts, and the total amount spent for services of official court reporters in civil proceedings statewide in the prior fiscal year.

This bill would permit the court in which the official court reporter fee was collected to retain that fee. The bill also would repeal the above-described reporting requirement of the Judicial Council.

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

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

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to authorize local trial courts to retain the civil court reporter
3 fee collected pursuant to Section 68086 of the Government Code,
4 to incentivize the consistent and efficient collection of the
5 mandated civil court reporter fee and to continue an incentive for
6 courts to use the services of an official court reporter in civil
7 proceedings.

8 SEC. 2. Section 68086 of the Government Code is amended
9 to read:

10 68086. (a) The following provisions apply in superior court:

11 (1) In addition to any other fee required in civil actions or cases,
12 for each proceeding lasting more than one hour, a fee equal to the
13 actual cost of providing that service shall be charged per one-half
14 day of services to the parties, on a pro rata basis, for the services
15 of an official court reporter on the first and each succeeding judicial
16 day those services are provided pursuant to Section 269 of the
17 Code of Civil Procedure.

18 (2) All parties shall deposit their pro rata shares of these fees
19 with the clerk of the court as specified by the court, but not later
20 than the conclusion of each day's court session.

21 (3) For purposes of this section, "one-half day" means any
22 period of judicial time, in excess of one hour, but not more than
23 four hours, during either the morning or afternoon court session.

24 (4) The costs for the services of the official court reporter shall
25 be recoverable as taxable costs by the prevailing party as otherwise
26 provided by law.

27 (5) The Judicial Council shall adopt rules to ensure all of the
28 following:

29 (A) That parties are given adequate and timely notice of the
30 availability of an official court reporter.

31 (B) That if an official court reporter is not available, a party
32 may arrange for the presence of a certified shorthand reporter to
33 serve as an official pro tempore reporter, the costs ~~therefore~~
34 *therefor* recoverable as provided in paragraph (4).

35 (C) That if the services of an official pro tempore reporter are
36 utilized pursuant to subparagraph (B), no other charge ~~will~~ *shall*
37 be made to the parties.

1 (b) The fees collected pursuant to this section shall be used only
2 to pay the cost for services of an official court reporter in civil
3 proceedings *and shall be retained by the court in which the fee*
4 *was collected.*

5 ~~(e) The Judicial Council shall report on or before February 1 of~~
6 ~~each year to the Joint Legislative Budget Committee on the fees~~
7 ~~collected by courts pursuant to this section and Section 68086.1,~~
8 ~~and the total amount spent for services of official court reporters~~
9 ~~in civil proceedings statewide in the prior fiscal year.~~