

AMENDED IN ASSEMBLY MARCH 6, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 251**

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**Introduced by Assembly Member Wagner**

February 6, 2013

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An act to ~~add Section 69959 to, and to repeal Sections 69957 and 69958 of, amend Section 69957 of~~ the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 251, as amended, Wagner. Electronic court reporting.

Existing law authorizes a *superior court to appoint official reporters and official reporters pro tempore as are deemed necessary for the performance of the duties of the court and its members. Existing law also authorizes a court to use electronic recording equipment to record an action or proceeding in a limited civil case, or a misdemeanor or infraction case, or for the internal purpose of monitoring judicial officer performance. Existing law requires a court to obtain advance approval from the Judicial Council prior to purchasing equipment. Existing law also requires each superior court to report semiannually to the Judicial Council, and the Judicial Council to report semiannually to the Legislature, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings if an official reporter or an official reporter pro tempore is unavailable.*

*This bill would additionally allow a court to use electronic recording equipment in a family law case if an official reporter or an official reporter pro tempore is unavailable.*

*This bill would instead require the Judicial Council, by July 1, 2014, to implement electronic court reporting in 20% of all superior court*

~~courtrooms, and to implement electronic reporting in at least an additional 20% of all superior court courtrooms annually thereafter. This bill would also require the Judicial Council to report to the Governor and the Legislature on the efforts undertaken to implement electronic court reporting, as provided, by January 1, 2016. The provisions of the bill would not apply to felony cases.~~

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. Section 69957 of the Government Code is  
 2     amended to read:  
 3     69957. (a) If an official reporter or an official reporter pro  
 4     tempore is unavailable to report an action or proceeding in a court,  
 5     subject to the availability of approved equipment and equipment  
 6     monitors, the court may order that, in a limited civil case, *a family*  
 7     *law case*, or a misdemeanor or infraction case, the action or  
 8     proceeding be electronically recorded, including all the testimony,  
 9     the objections made, the ruling of the court, the exceptions taken,  
 10     all arraignments, pleas, and sentences of defendants in criminal  
 11     cases, the arguments of the attorneys to the jury, and all statements  
 12     and remarks made and oral instructions given by the judge. A  
 13     transcript derived from an electronic recording may be utilized  
 14     whenever a transcript of court proceedings is required. Transcripts  
 15     derived from electronic recordings shall include a designation of  
 16     “inaudible” or “unintelligible” for those portions of the recording  
 17     that contain no audible sound or are not discernible. The electronic  
 18     recording device and appurtenant equipment shall be of a type  
 19     approved by the Judicial Council for courtroom use and shall only  
 20     be purchased for use as provided by this section. A court shall not  
 21     expend funds for or use electronic recording technology or  
 22     equipment to make an unofficial record of an action or proceeding,  
 23     including for purposes of judicial notetaking, or to make the official  
 24     record of an action or proceeding in circumstances not authorized  
 25     by this section.  
 26     (b) Notwithstanding subdivision (a), a court may use electronic  
 27     recording equipment for the internal personnel purpose of  
 28     monitoring the performance of subordinate judicial officers, as  
 29     defined in Section 71601 ~~of the Government Code~~, hearing officers,

1 and temporary judges while proceedings are conducted in the  
2 courtroom, if notice is provided to the subordinate judicial officer,  
3 hearing officer, or temporary judge, and to the litigants, that the  
4 proceeding may be recorded for that purpose. An electronic  
5 recording made for the purpose of monitoring that performance  
6 shall not be used for any other purpose and shall not be made  
7 publicly available. Any recording made pursuant to this subdivision  
8 shall be destroyed two years after the date of the proceeding unless  
9 a personnel matter is pending relating to performance of the  
10 subordinate judicial officer, hearing officer, or temporary judge.

11 (c) Prior to purchasing or leasing any electronic recording  
12 technology or equipment, a court shall obtain advance approval  
13 from the Judicial Council, which may grant that approval only if  
14 the use of the technology or equipment will be consistent with this  
15 section.

16 ~~SECTION 1. Section 69957 of the Government Code is~~  
17 ~~repealed.~~

18 ~~SEC. 2. Section 69958 of the Government Code is repealed.~~

19 ~~SEC. 3. Section 69959 is added to the Government Code, to~~  
20 ~~read:~~

21 ~~69959. (a) Notwithstanding any other law, the Judicial Council~~  
22 ~~shall, by July 1, 2014, implement electronic court reporting in 20~~  
23 ~~percent of all superior court courtrooms not currently utilizing~~  
24 ~~electronic recording. The Judicial Council shall, annually thereafter,~~  
25 ~~phase in electronic recording in at least an additional 20 percent~~  
26 ~~of the total number of superior court courtrooms. The Judicial~~  
27 ~~Council may implement electronic recording in more courtrooms~~  
28 ~~if it will result in additional savings.~~

29 ~~(b) The Judicial Council, shall, by January 1, 2016, report to~~  
30 ~~the Governor and the Legislature on the efforts undertaken to~~  
31 ~~implement electronic court reporting, including, but not limited~~  
32 ~~to, all of the following:~~

- 33 ~~(1) The costs incurred to implement electronic recording.~~
- 34 ~~(2) The superior courts and case types affected by the first year~~  
35 ~~of implementation.~~
- 36 ~~(3) The savings achieved in the 2014-15 and 2015-16 fiscal~~  
37 ~~years through the implementation of electronic recording.~~
- 38 ~~(4) Future implementation plans and the superior courts or case~~  
39 ~~types to be phased in during future fiscal years.~~

- 1 ~~(e) References to “court reporters” and “reporter’s transcript”~~
- 2 ~~throughout existing law, may include, where appropriate, electronic~~
- 3 ~~court recordings for those courts that have partially or fully~~
- 4 ~~implemented electronic recording.~~
- 5 ~~(d) This section does not apply to felony cases.~~
- 6 ~~(e) (1) The requirement for submitting a report imposed under~~
- 7 ~~subdivision (b) is inoperative on January 1, 2020, pursuant to~~
- 8 ~~Section 10231.5.~~
- 9 ~~(2) A report submitted pursuant to subdivision (b) shall be~~
- 10 ~~submitted in compliance with Section 9795.~~