

AMENDED IN ASSEMBLY APRIL 2, 2013

AMENDED IN ASSEMBLY MARCH 6, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 251

Introduced by Assembly Member Wagner

(Coauthors: Assembly Members Harkey, Maienschein, and Wilk)

February 6, 2013

An act to 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, 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.

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, hearing officers, and temporary judges
30 while proceedings are conducted in the courtroom, if notice is
31 provided to the subordinate judicial officer, hearing officer, or
32 temporary judge, and to the litigants, that the proceeding may be
33 recorded for that purpose. An electronic recording made for the
34 purpose of monitoring that performance shall not be used for any
35 other purpose and shall not be made publicly available. ~~Any A~~
36 recording made pursuant to this subdivision shall be destroyed two
37 years after the date of the proceeding unless a personnel matter is

1 pending relating to performance of the subordinate judicial officer,
2 hearing officer, or temporary judge.
3 (c) Prior to purchasing or leasing any electronic recording
4 technology or equipment, a court shall obtain advance approval
5 from the Judicial Council, which may grant that approval only if
6 the use of the technology or equipment will be consistent with this
7 section.

O