

AMENDED IN ASSEMBLY APRIL 29, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 648

Introduced by Assembly Member Jones-Sawyer

February 21, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 648, as amended, Jones-Sawyer. Court reporters.

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, a fee equal to the actual cost of providing that service is required to be charged per 1/2 day of services to the parties, on a pro rata basis.* For each proceeding lasting less than one hour, a fee of \$30 is required to be charged for the reasonable cost of the services of an official court reporter. Fees collected pursuant to this provision may be used only to pay for services of an official court reporter in civil proceedings.

~~This bill would require the charge of a fee of \$30, for each proceeding lasting one hour or less in a civil action or case to offset the costs of the services of official court reporters in civil proceedings, the \$30 fee to be charged only to the party, or parties if filing jointly, that filed the paper that resulted in the proceeding being scheduled. The bill would require each party that files papers that require the scheduling of a proceeding lasting less than one hour to pay the fee, regardless of whether the party requests the presence of a court reporter. The bill would require the fee to be paid for each separate proceeding, regardless of whether the proceedings are scheduled at the same time on the same~~

~~calendar.~~ *The bill would require the fee to be charged once per case for all proceedings conducted within the same hour if the total time taken by those proceedings is one hour or less. The bill would provide for the deposit of the fees collected into the Trial Court Trust Fund and would provide for the distribution of those fees, upon appropriation by the Legislature, back to the courts in which the fees were collected. The bill would waive the fees for a person who has been granted a fee waiver.*

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

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

1 SECTION 1. Section 68086 of the Government Code is
 2 amended to read:
 3 68086. The following provisions apply in superior court:
 4 (a) In addition to any other fee required in civil actions or cases:
 5 (1) For each proceeding lasting one hour or less, a fee of thirty
 6 dollars (\$30) shall be charged ~~to offset for the costs reasonable~~
 7 *cost* of the services of official court reporters in civil proceedings
 8 pursuant to Section 269 of the Code of Civil Procedure.
 9 ~~(A) Each party that files papers that require the scheduling of~~
 10 ~~a proceeding described in this paragraph shall pay the fee,~~
 11 ~~regardless of whether the party requests the presence of a court~~
 12 ~~reporter. The fee shall be paid for each separate proceeding,~~
 13 ~~regardless of whether the proceedings are scheduled at the same~~
 14 ~~time on the same calendar. For case management conferences,~~
 15 ~~mandatory settlement conferences, and other proceedings initiated~~
 16 ~~by the court, the fee shall be paid by the party requesting a court~~
 17 ~~reporter.~~
 18 ~~(B) The court shall require the fee to be paid at the time the~~
 19 ~~party files its papers or no later than the conclusion of the court~~
 20 ~~session on the day of the proceeding. The fee shall be~~
 21 ~~nonrefundable unless, due to unforeseen circumstances, the court~~
 22 ~~is unable to provide a court reporter at the scheduled proceeding.~~
 23 *(A) The fee shall be charged only to the party, or parties if filing*
 24 *jointly, that filed the paper that resulted in the proceeding being*
 25 *scheduled.*

1 (B) All parties paying the fee shall deposit the fee with the clerk
2 of the court as specified by the court, but not later than the
3 conclusion of each day's court session.

4 (C) The fee shall be charged once per case for all proceedings
5 conducted within the same hour if the total time taken by those
6 proceedings is one hour or less. If the total time taken exceeds one
7 hour, the fee shall be charged and collected pursuant to paragraph
8 (2).

9 ~~(C)~~

10 (D) The fees shall be deposited into the Trial Court Trust Fund
11 and, ~~upon appropriation by the Legislature,~~ distributed back to the
12 courts in which the fees were collected on a dollar-for-dollar basis.

13 (E) The fee shall be refunded to the remitting party or parties
14 if no court reporting services were provided at the scheduled
15 proceeding.

16 (2) For each proceeding lasting more than one hour, a fee equal
17 to the actual cost of providing that service shall be charged per
18 one-half day of services to the parties, on a pro rata basis, for the
19 services of an official court reporter on the first and each
20 succeeding judicial day those services are provided pursuant to
21 Section 269 of the Code of Civil Procedure.

22 ~~(b)~~

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

26 ~~(e)~~

27 (B) For purposes of this ~~section~~ paragraph, "one-half day"
28 means any period of judicial time, in excess of one hour, but not
29 more than four hours, during either the morning or afternoon court
30 session.

31 (b) The fee shall be waived for a person who has been granted
32 a fee waiver under Section 68631.

33 ~~(d)~~

34 (c) The costs for the services of the official court reporter shall
35 be recoverable as taxable costs by the prevailing party as otherwise
36 provided by law.

37 ~~(e)~~

38 (d) The Judicial Council shall adopt rules to ensure all of the
39 following:

- 1 (1) That parties are given adequate and timely notice of the
2 availability of an official court reporter.
- 3 (2) That if an official court reporter is not available, a party may
4 arrange for the presence of a certified shorthand reporter to serve
5 as an official pro tempore reporter, the costs therefor recoverable
6 as provided in subdivision ~~(d)~~ (c).
- 7 (3) That if the services of an official pro tempore reporter are
8 utilized pursuant to paragraph (2), no other charge shall be made
9 to the parties.
- 10 ~~(f)~~
- 11 (e) The fees collected pursuant to this section shall be used only
12 to pay the cost for services of an official court reporter in civil
13 proceedings.
- 14 ~~(g) It is the intent of the Legislature to provide an incentive for~~
15 ~~courts to use the services of an official court reporter in civil~~
16 ~~proceedings.~~
- 17 ~~(h)~~
- 18 (f) The Judicial Council shall report on or before February 1 of
19 each year to the Joint Legislative Budget Committee on the fees
20 collected by courts pursuant to this section and Section 68086.1
21 and on the total amount spent for services of official court reporters
22 in civil proceedings statewide in the prior fiscal year.