

**Introduced by Senator Block**

February 22, 2013

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An act to amend Section 69957 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 705, as introduced, Block. Electronic court reporting.

Existing law regulates official court reporters in the superior courts. Under existing law, a court may use electronic recording equipment in a limited civil case, or a misdemeanor or infraction case, or for the internal personnel purpose of monitoring judicial officer performance, as specified. If electronic recording equipment is used, a transcript created with that equipment may be used whenever a transcript of court proceedings is necessary. Existing law prohibits a court from expending funds for, or using, electronic recording technology or equipment to make an unofficial record of an action or proceeding, including for purposes of judicial notetaking, or to make the official record of an action or proceeding in circumstances not authorized by this provision.

This bill would provide that a court may use existing electronic recording equipment for the purpose of judicial notetaking.

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 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,

1 subject to the availability of approved equipment and equipment  
2 monitors, the court may order that, in a limited civil case, or a  
3 misdemeanor or infraction case, the action or proceeding be  
4 electronically recorded, including all *of* the testimony, the  
5 objections made, the ruling of the court, the exceptions taken, all  
6 arraignments, pleas, and sentences of defendants in criminal cases,  
7 the arguments of the attorneys to the jury, and all statements and  
8 remarks made and oral instructions given by the judge. A transcript  
9 derived from an electronic recording may be utilized whenever a  
10 transcript of court proceedings is required. Transcripts derived  
11 from electronic recordings shall include a designation of  
12 “inaudible” or “unintelligible” for those portions of the recording  
13 that contain no audible sound or are not discernible. The electronic  
14 recording device and appurtenant equipment shall be of a type  
15 approved by the Judicial Council for courtroom use and shall ~~only~~  
16 be purchased *only* for use as provided by this section. A court shall  
17 not expend funds for, or use, electronic recording technology or  
18 equipment to make an unofficial record of an action or proceeding,  
19 including for purposes of judicial notetaking, or to make the official  
20 record of an action or proceeding in circumstances not authorized  
21 by this section.

22 (b) Notwithstanding subdivision (a), a court may use electronic  
23 recording equipment for the internal personnel purpose of  
24 monitoring the performance of subordinate judicial officers, as  
25 defined in Section 71601 of the Government Code, hearing officers,  
26 and temporary judges while proceedings are conducted in the  
27 courtroom, if notice is provided to the subordinate judicial officer,  
28 hearing officer, or temporary judge, and to the litigants, that the  
29 proceeding may be recorded for that purpose. An electronic  
30 recording made for the purpose of monitoring that performance  
31 shall not be used for any other purpose and shall not be made  
32 publicly available. Any recording made pursuant to this subdivision  
33 shall be destroyed two years after the date of the proceeding unless  
34 a personnel matter is pending relating to performance of the  
35 subordinate judicial officer, hearing officer, or temporary judge.

36 (c) *Notwithstanding subdivision (a), a court may use existing*  
37 *electronic recording equipment for the purpose of judicial*  
38 *notetaking.*

39 (e)

1     *(d)* Prior to purchasing or leasing any electronic recording  
2 technology or equipment, a court shall obtain advance approval  
3 from the Judicial Council, which may grant that approval only if  
4 the use of the technology or equipment will be consistent with this  
5 section.

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