

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 749

Introduced by Assembly Member Bloom

February 25, 2015

An act to amend Section ~~69953~~ of the Government Code, 269 of the Code of Civil Procedure, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 749, as amended, Bloom. Superior courts: *court* reporters.

Existing law requires an official reporter or official reporter pro tempore of the superior court to take down in shorthand specified information regarding the testimony and proceedings before the court in civil cases, felony cases, and misdemeanor or infraction cases on order of the court, and in only civil cases or felony cases, at the request of a party or counsel.

This bill would extend this requirement to domestic violence cases and child custody proceedings, as specified.

~~Under existing law, when a verbatim record of a superior court proceeding is not made at public expense, the cost of making that record is required to be paid by the parties in equal proportion, except that either party may, at his or her option, pay the whole.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

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

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

1 *SECTION 1. Section 269 of the Code of Civil Procedure is*
2 *amended to read:*

3 269. (a) An official reporter or official reporter pro tempore
4 of the superior court shall take down in shorthand all testimony,
5 objections made, rulings of the court, exceptions taken,
6 arraignments, pleas, sentences, arguments of the attorneys to the
7 jury, and statements and remarks made and oral instructions given
8 by the judge or other judicial officer, in the following cases:

9 (1) In a civil case, on the order of the court or at the request of
10 a party.

11 (2) In a felony case, on the order of the court or at the request
12 of the prosecution, the defendant, or the attorney for the defendant.

13 (3) In a misdemeanor or infraction case, on the order of the
14 court.

15 (4) *In a domestic violence case, on the order of the court or at*
16 *the request of the prosecution, the defendant, or the attorney for*
17 *the defendant. For purposes of this section, “domestic violence”*
18 *has the same meaning as set forth in Section 6211 of the Family*
19 *Code.*

20 (5) *In a child custody proceeding, on the order of the court or*
21 *at the request of a party or the party’s attorney. For purposes of*
22 *this section, “child custody proceeding” has the same meaning as*
23 *set forth in Section 3402 of the Family Code.*

24 (b) If a transcript is ordered by the court or requested by a party,
25 or if a nonparty requests a transcript that the nonparty is entitled
26 to receive, regardless of whether the nonparty was permitted to
27 attend the proceeding to be transcribed, the official reporter or
28 official reporter pro tempore shall, within a reasonable time after
29 the trial of the case that the court designates, write the transcripts
30 out, or the specific portions thereof as may be requested, in plain
31 and legible longhand, or by typewriter, or other printing machine,
32 and certify that the transcripts were correctly reported and
33 transcribed, and when directed by the court, file the transcripts
34 with the clerk of the court.

35 (c) If a defendant is convicted of a felony, after a trial on the
36 merits, the record on appeal shall be prepared immediately after
37 the verdict or finding of guilt is announced unless the court
38 determines that it is likely that no appeal from the decision will

1 be made. The court's determination of a likelihood of appeal shall
2 be based upon standards and rules adopted by the Judicial Council.

3 ~~SECTION 1. Section 69953 of the Government Code is~~
4 ~~amended to read:~~

5 ~~69953. When a verbatim record is not made at public expense~~
6 ~~pursuant to Section 69952 or other law, the cost of making a~~
7 ~~verbatim record shall be paid by the parties in equal proportion.~~
8 ~~Either party, at his or her option, may pay the whole. In either case,~~
9 ~~all amounts so paid by the party to whom costs are awarded shall~~
10 ~~be taxed as costs in the case. The fees for transcripts and copies~~
11 ~~ordered by the parties shall be paid by the party ordering them.~~
12 ~~Except as provided in Section 69952, a reporter shall not perform~~
13 ~~any service in a civil action other than transcriptions until his or~~
14 ~~her fee for it has been deposited with the clerk of the court or with~~
15 ~~the reporter.~~