

ASSEMBLY BILL

No. 804

Introduced by Assembly Member Roger Hernández

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 804, as introduced, Roger Hernández. Courts: superior court fees: official 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, existing law imposes a fee equal to the actual cost of providing that service per ½ day of services to the parties, on a pro rata basis. For each proceeding anticipated to last one hour or less, existing law imposes a fee of \$30 for the reasonable cost of court reporting services provided at the expense of the court by an official court reporter.

This bill would make a technical, nonsubstantive change to these provisions.

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:

1 (1) For each proceeding anticipated to last one hour or less, a
 2 fee of thirty dollars (\$30) shall be charged for the reasonable cost
 3 of the court reporting services provided at the expense of the court
 4 by an official court reporter pursuant to Section 269 of the Code
 5 of Civil Procedure.

6 (A) The fee shall be charged to the party, or parties if filing
 7 jointly, that filed the paper that resulted in the proceeding being
 8 scheduled. If no fee has been charged, and a party subsequently
 9 requests a court reporter, that party shall be charged the fee if a
 10 reporter is to be provided by the court.

11 (B) All parties paying the fee shall deposit the fee with the clerk
 12 of the court as specified by the court, but not later than the
 13 conclusion of each day’s court session.

14 (C) The fee shall be charged once per case for all proceedings
 15 conducted within the same hour if the total time taken by those
 16 proceedings is one hour or less. If the total time taken exceeds one
 17 hour, the fee shall be charged and collected pursuant to paragraph
 18 (2).

19 (D) The fee shall be deposited into the Trial Court Trust Fund
 20 and distributed back to the court from which the fee was collected
 21 on a dollar-for-dollar basis.

22 (E) The fee shall be refunded as soon as practicable to the
 23 remitting party or parties if no court reporting services were
 24 provided.

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

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

34 (B) For purposes of this paragraph, “one-half day” means any
 35 period of judicial time, in excess of one hour, but not more than
 36 four hours, during either the morning or afternoon court session.

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

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

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

6 (1) That *the* parties are given adequate and timely notice of the
7 availability of an official court reporter.

8 (2) That if an official court reporter is not available, a party may
9 arrange for the presence of a certified shorthand reporter to serve
10 as an official pro tempore reporter, the costs therefor recoverable
11 as provided in subdivision (c).

12 (3) That if the services of an official pro tempore reporter are
13 utilized pursuant to paragraph (2), no other charge shall be made
14 to the parties.

15 (e) The fees collected pursuant to this section shall be used only
16 to pay the cost for services of an official court reporter in civil
17 proceedings.

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.