

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 705

Introduced by Senator Block
(Principal coauthor: Assembly Member Bonilla)

February 22, 2013

An act to amend Section 69957 of the Government Code, relating to courts *community colleges, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 705, as amended, Block. ~~Electronic court reporting.~~ *Community colleges: appropriation.*

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 *establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in the state. Existing law authorizes the California Community Colleges to conduct numerous programs.*

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

\$50,000,000 from an unidentified source to the Board of Governors of the California Community Colleges for allocation as scheduled to Disabled Students Programs and Services and Extended Opportunity Programs and Services. To the extent that the funds appropriated by this bill are allocated to community college districts for these purposes, these funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

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

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

1 SECTION 1. (a) The sum of fifty million dollars (\$50,000,000)
2 is hereby appropriated to the Board of Governors of the California
3 Community Colleges from _____, to be allocated
4 in accordance with the following schedule:

5 (1) Twenty-five million dollars (\$25,000,000) for Disabled
6 Students Programs and Services.

7 (2) Twenty-five million dollars (\$25,000,000) for Extended
8 Opportunity Programs and Services.

9 (b) It is the intent of the Legislature that the allocations provided
10 in subdivision (a) shall be paid for with savings realized from
11 extending the period for paying down community college deferrals.

12 SECTION 1. ~~Section 69957 of the Government Code is~~
13 ~~amended to read:~~

14 ~~69957. (a) If an official reporter or an official reporter pro~~
15 ~~tempore is unavailable to report an action or proceeding in a court,~~
16 ~~subject to the availability of approved equipment and equipment~~
17 ~~monitors, the court may order that, in a limited civil case, or a~~
18 ~~misdemeanor or infraction case, the action or proceeding be~~
19 ~~electronically recorded, including all of the testimony, the~~
20 ~~objections made, the ruling of the court, the exceptions taken, all~~
21 ~~arraignments, pleas, and sentences of defendants in criminal cases,~~
22 ~~the arguments of the attorneys to the jury, and all statements and~~
23 ~~remarks made and oral instructions given by the judge. A transcript~~
24 ~~derived from an electronic recording may be utilized whenever a~~
25 ~~transcript of court proceedings is required. Transcripts derived~~
26 ~~from electronic recordings shall include a designation of~~
27 ~~“inaudible” or “unintelligible” for those portions of the recording~~
28 ~~that contain no audible sound or are not discernible. The electronic~~

1 ~~recording device and appurtenant equipment shall be of a type~~
2 ~~approved by the Judicial Council for courtroom use and shall be~~
3 ~~purchased only for use as provided by this section. A court shall~~
4 ~~not expend funds for, or use, electronic recording technology or~~
5 ~~equipment to make an unofficial record of an action or proceeding,~~
6 ~~including for purposes of judicial notetaking, or to make the official~~
7 ~~record of an action or proceeding in circumstances not authorized~~
8 ~~by this section.~~

9 ~~(b) Notwithstanding subdivision (a), a court may use electronic~~
10 ~~recording equipment for the internal personnel purpose of~~
11 ~~monitoring the performance of subordinate judicial officers, as~~
12 ~~defined in Section 71601 of the Government Code, hearing officers,~~
13 ~~and temporary judges while proceedings are conducted in the~~
14 ~~courtroom, if notice is provided to the subordinate judicial officer,~~
15 ~~hearing officer, or temporary judge, and to the litigants, that the~~
16 ~~proceeding may be recorded for that purpose. An electronic~~
17 ~~recording made for the purpose of monitoring that performance~~
18 ~~shall not be used for any other purpose and shall not be made~~
19 ~~publicly available. Any recording made pursuant to this subdivision~~
20 ~~shall be destroyed two years after the date of the proceeding unless~~
21 ~~a personnel matter is pending relating to performance of the~~
22 ~~subordinate judicial officer, hearing officer, or temporary judge.~~

23 ~~(c) Notwithstanding subdivision (a), a court may use existing~~
24 ~~electronic recording equipment for the purpose of judicial~~
25 ~~notetaking.~~

26 ~~(d) Prior to purchasing or leasing any electronic recording~~
27 ~~technology or equipment, a court shall obtain advance approval~~
28 ~~from the Judicial Council, which may grant that approval only if~~
29 ~~the use of the technology or equipment will be consistent with this~~
30 ~~section.~~