

AMENDED IN ASSEMBLY MARCH 20, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 882

Introduced by Assembly Member Papan

February 19, 2025

An act to amend Section 69957 ~~of of~~, and to add and repeal Section 69957.5 of, the Government Code, relating to court reporting.

LEGISLATIVE COUNSEL’S DIGEST

AB 882, as amended, Papan. 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, a misdemeanor or infraction case, or for the internal purpose of monitoring subordinate judicial officer performance. Existing law requires, prior to purchasing or leasing any electronic recording technology or equipment, a court to obtain advance approval from the Judicial Council.

This bill would prohibit ~~the purchase of equipment for the sole purpose~~ the Judicial Council from granting approval for the purchase or lease of electronic recording technology or equipment solely for purposes of monitoring subordinate judicial officer performance. The bill would also, until January 1, 2028, authorize a court to issue a general order authorizing electronic recording on a temporary basis whenever a transcript of court proceedings is required in family law, probate, and civil contempt proceedings if specified requirements are met. The bill would require a transcript created from electronic recordings to include a designation for portions of the recording that contain no audible sound or are not discernable. The bill would prohibit

courts from purchasing or leasing electronic recording technology or equipment to make verbatim recordings pursuant to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

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

26 (b) Notwithstanding subdivision (a), a court may use electronic
27 recording equipment for the internal personnel purpose of
28 monitoring the performance of subordinate judicial officers, as
29 defined in Section 71601 of the Government Code, hearing officers,
30 and temporary judges while proceedings are conducted in the
31 courtroom, if notice is provided to the subordinate judicial officer,
32 hearing officer, or temporary judge, and to the litigants, that the
33 proceeding may be recorded for that purpose. An electronic

1 recording made for the purpose of monitoring that performance
2 shall not be used for any other purpose and shall not be made
3 publicly available. Any recording made pursuant to this subdivision
4 shall be destroyed two years after the date of the proceeding unless
5 a personnel matter is pending relating to performance of the
6 subordinate judicial officer, hearing officer, or temporary judge.

7 (c) Prior to purchasing or leasing any electronic recording
8 technology or equipment, a court shall obtain advance approval
9 from the Judicial Council, which may grant that approval only if
10 the use of the technology or equipment will be consistent with this
11 section. ~~Equipment shall not be purchased for the sole purpose of~~
12 ~~monitoring the performance of subordinate judicial officers~~
13 ~~pursuant to subdivision (b).~~ *The Judicial Council shall not grant*
14 *approval for the purchase or lease of electronic recording*
15 *technology or equipment solely for the purposes described in*
16 *subdivision (b).*

17 SEC. 2. Section 69957.5 is added to the Government Code, to
18 read:

19 69957.5. (a) *Notwithstanding Section 69957, if a court is*
20 *unable, after due diligence, to hire sufficient official reporters or*
21 *official pro tempore reporters, the court may issue a general order*
22 *authorizing the use of electronic recording on a temporary basis*
23 *in family law, probate, and civil contempt proceedings, subject to*
24 *the requirements of subdivision (d). Electronic recording shall not*
25 *be used in dependency proceedings. A transcript derived from*
26 *such an electronic recording may be utilized whenever a transcript*
27 *of court proceedings is required. Transcripts derived from*
28 *electronic recordings shall include a designation of “inaudible”*
29 *or “unintelligible” for those portions of the recording that contain*
30 *no audible sound or are not discernable.*

31 (b) *Electronic recording may be utilized pursuant to this section*
32 *only if the judicial officer presiding over the proceeding finds that*
33 *all of the following requirements are satisfied:*

34 (1) *The proceeding concerns matters that implicate fundamental*
35 *rights or liberty interests.*

36 (2) *One or more parties wishes to preserve the possibility of*
37 *ordering a verbatim transcript of the proceeding.*

38 (3) *No official reporter or official reporter pro tempore retained*
39 *by the court, including reporters generally assigned to other*
40 *departments, is reasonably available to report the proceeding.*

1 (4) *The party requesting a verbatim record has been unable to*
2 *secure the presence of a private certified shorthand reporter to*
3 *report the proceeding as an official reporter pro tempore because*
4 *either of the following requirements is satisfied:*

5 (A) *Despite the party's reasonable effort to retain a private*
6 *certified shorthand reporter, no reporter was reasonably available.*

7 (B) *The party qualifies for a waiver of court filing fees because*
8 *of an inability to pay and the court is unable to provide an official*
9 *reporter or official reporter pro tempore for the proceeding.*

10 (5) *The proceeding involves significant legal or factual issues*
11 *such that a verbatim record is likely necessary to create a record*
12 *of sufficient completeness for review on appeal.*

13 (6) *In the interests of justice, the proceeding should not be*
14 *delayed.*

15 (c) *A judicial officer shall not find that a party has satisfied the*
16 *requirements of paragraph (4) of subdivision (b) unless the party*
17 *notified the court at least five court days prior to the hearing that*
18 *the party seeks to have a record of the hearing and that the party*
19 *has been unable to retain a private court reporter or that the party*
20 *has been granted a fee waiver and is unable to pay for a private*
21 *court reporter. If the official reporters employed by the court are*
22 *represented by a recognized employee organization, the court shall*
23 *forward a copy of such notice to the recognized employee*
24 *organization on the same day it was submitted to the court. If a*
25 *party has fewer than five court days' advance notice of the hearing,*
26 *the party shall provide the court with reasonable advance notice*
27 *that the party seeks to have a record of the hearing and that the*
28 *party has been unable to retain a private court reporter or that*
29 *the party has been granted a fee waiver and is unable to pay for*
30 *a private court reporter. The court shall forward such notice to*
31 *the exclusive representative, if any, on the same day it was*
32 *submitted.*

33 (d) *If a court has issued a general order authorizing the use of*
34 *electronic recording, all of the following requirements shall apply*
35 *while the general order is in effect:*

36 (1) *The court shall provide public notice that the court is*
37 *accepting applications from certified short reporters for positions*
38 *as official court reporters. The court shall provide such notice to*
39 *major court reporter job boards and to court reporting schools in*

1 *California. The court shall maintain records of its outreach and*
2 *recruitment activities.*

3 *(2) The court shall offer employment to all certified shorthand*
4 *reporters who apply for official reporter positions unless there is*
5 *good cause for rejecting the applicant. In the event of a dispute,*
6 *the court shall have the burden of showing that an applicant was*
7 *rejected for good cause. The court shall maintain records of*
8 *applications received, interviews conducted, and reasons for hiring*
9 *decisions.*

10 *(3) The court shall not adopt any unreasonable barriers to*
11 *applications or to hiring applicants. In the event of a dispute, the*
12 *court shall have the burden of showing that its requirements are*
13 *reasonable.*

14 *(4) In addition to hiring official reporters, the court shall make*
15 *all reasonable efforts, consistent with the court's budget, to retain*
16 *official reporters pro tempore to supplement the work of official*
17 *reporters. In the event of a dispute, the court shall have the burden*
18 *of showing that its efforts were reasonable.*

19 *(5) If the official reporters in the court are represented by a*
20 *recognized employee organization, the court shall, upon request*
21 *of the employee organization, meet and confer with the employee*
22 *organization about the court's efforts to recruit official court*
23 *reporters and provide the employee organization with the records*
24 *that the court is required by this section to maintain.*

25 *(6) If the official reporters in the court are represented by a*
26 *recognized employee organization, the employee organization may*
27 *file a grievance with the court if the employee organization*
28 *contends that the court has violated this section. Unless the parties*
29 *to the dispute agree upon other procedures after the dispute arises,*
30 *or other procedures are provided in a memorandum of*
31 *understanding or agreement with a recognized employee*
32 *organization, unresolved disputes between the recognized employee*
33 *organization and the court concerning a violation of this section*
34 *shall be submitted for binding arbitration to the California State*
35 *Mediation and Conciliation Service.*

36 *(e) Courts shall not purchase or lease electronic recording*
37 *technology or equipment to make records pursuant to this section.*

38 *(f) Courts shall not, without the consent of the official reporter,*
39 *displace existing official reporters from their assignments in family*

1 law, probate, and civil contempt departments in order to make
2 records pursuant to this section.

3 (g) The court shall revoke a general order authorized by this
4 section when the conditions set forth in subdivision (a) no longer
5 exist.

6 (h) This section shall remain in effect only until January 1, 2028,
7 and as of that date is repealed. The repeal of this section shall
8 automatically revoke any general order authorized by this section.

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