

Assembly Bill No. 2629

Passed the Assembly August 25, 2016

Chief Clerk of the Assembly

Passed the Senate August 22, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 69951 of, to amend, repeal, and add Section 69950 of, and to add and repeal Section 69950.5 of, the Government Code, relating to court reporters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2629, Roger Hernández. Court reporters.

Existing law provides that, except as specified, the fee for original transcripts prepared by an official court reporter or by a court reporter pro tempore is \$0.85 for each 100 words, and for each copy purchased at the same time, \$0.15 for each 100 words. Existing law provides that, except as specified, the fee for a first copy of a transcript by a person who does not simultaneously purchase the original transcript is \$0.20 for each 100 words, and for each additional copy purchased at the same time, \$0.15 for each 100 words. Existing law authorizes a court reporter, in civil cases, to charge an additional 50% for special daily copy service.

This bill would increase the fee charged for original transcripts and copies purchased at the same time, and copies purchased thereafter without the original transcript, incrementally commencing January 1, 2017, except as specified. The bill would also provide that the fee for transcription is an additional 50% for special daily copy service. The bill would require the Judicial Council to report to the Legislature by January 1, 2021, with regard to transcript fees, as specified.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Official court reporters and court reporters pro tempore employed by the courts are currently paid under a dual compensation structure in which the base salary of the court reporter is supplemented by income from preparing required transcripts and providing other required transcription services.

(b) The dual compensation structure protects the state from bearing the full cost of transcript preparation and other transcription

services and avoids the resulting consequences of overtime liability related to these services.

(c) The fees for original transcripts prepared by official court reporters and court reporters pro tempore have not been adjusted in 26 years, and fees for copies purchased at the same time as the original transcript have only increased once in 103 years.

(d) In order to ensure full and fair compensation of official court reporters and court reporters pro tempore employed by the court, and in order to attract and retain official court reporters and court reporters pro tempore employed by the courts that have sufficient skills and competence to serve the needs of the justice system, it is imperative that the system of dual compensation provide sufficient payment for transcription services.

(e) Therefore, it is necessary to revise the fees for transcripts prepared by official court reporters and court reporters pro tempore.

SEC. 2. Section 69950 of the Government Code is amended to read:

69950. (a) From January 1, 2017, to December 31, 2018, inclusive, the fee for transcription for the original printed copy is ninety-three cents (\$0.93) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, sixteen cents (\$0.16) for each 100 words.

(b) From January 1, 2017, to December 31, 2018, inclusive, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty-one cents (\$0.21) for each 100 words, and for each additional copy, purchased at the same time, sixteen cents (\$0.16) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012, based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

(d) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 3. Section 69950 is added to the Government Code, to read:

69950. (a) From January 1, 2019, to December 31, 2020, inclusive, the fee for transcription for the original printed copy is one dollar and three cents (\$1.03) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, eighteen cents (\$0.18) for each 100 words.

(b) From January 1, 2019, to December 31, 2020, inclusive, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty-three cents (\$0.23) for each 100 words, and for each additional copy, purchased at the same time, eighteen cents (\$0.18) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012, based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

(d) This section shall become operative on January 1, 2019.

(e) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 4. Section 69950 is added to the Government Code, to read:

69950. (a) On and after January 1, 2021, the fee for transcription for the original printed copy is one dollar thirteen cents (\$1.13) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, twenty cents (\$0.20) for each 100 words.

(b) On and after January 1, 2021, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty-six cents (\$0.26) for each 100 words, and for each additional copy, purchased at the same time, twenty cents (\$0.20) for each 100 words.

(c) Notwithstanding subdivisions (a) and (b), if a trial court had established transcription fees that were in effect on January 1, 2012, based on an estimate or assumption as to the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial

courts, and the policy or practice for determining transcription fees in those trial courts shall not be unilaterally changed.

(d) This section shall become operative on January 1, 2021.

SEC. 5. Section 69950.5 is added to the Government Code, to read:

69950.5. (a) On or before January 1, 2021, the Judicial Council shall report to the Legislature recommendations to increase uniformity in transcript rate expenditures in California. The intent of the report shall be to not reduce the rate of pay or overall compensation to reporters or jeopardize collective bargaining agreements. The Judicial Council shall work in collaboration with key stakeholder groups, including the California Court Reporters Association, the Court Reporters Board of California, and relevant labor unions.

(b) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

(c) This section shall remain in effect only until January 1, 2025, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2025, deletes or extends that date.

SEC. 6. Section 69951 of the Government Code is amended to read:

69951. The fee for transcription is an additional 50 percent for special daily copy service.

Approved _____, 2016

Governor