

By: Bryant

H.B. No. 4032

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of depositions by court reporters and the deposition transcripts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 52.001(a), Government Code, is amended by adding Subdivision (3-b) to read as follows:

(3-b) "Secure digital deposition transcript" or "secure digital original" means an original digital deposition transcript in a readable format that cannot be altered, printed, or saved.

SECTION 2. Chapter 52, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. DUTIES RELATING TO DEPOSITIONS

Sec. 52.021. DEPOSITION TRANSCRIPTS. (a) A deponent and the attorneys of record and parties to a case in which a deposition is taken are entitled to obtain a copy of the deposition transcript from the court reporter or court reporting firm. The court reporter or court reporting firm may impose and require payment of a reasonable fee before providing the transcript.

(b) On request of a deponent or the deponent's attorney, a court reporter or court reporting firm shall notify the deponent or attorney when the secure digital deposition transcript is available for review. If the deponent or the deponent's attorney prefers a paper transcript, the court reporter or court reporting firm shall

1 deliver to the person a paper transcript and may charge a reasonable
2 fee for the paper transcript. The court reporter or court reporting
3 firm must allow the deponent a period of at least 20 days to:

4 (1) review the secure digital original or paper
5 transcript; and

6 (2) provide a separate document signed by the deponent
7 listing any changes in form or substance the deponent desires to
8 make to the transcript and the reasons for those changes.

9 (c) During the review period under Subsection (b), the court
10 reporter or court reporting firm shall retain possession of the
11 secure digital deposition transcript.

12 (d) On the earlier of the expiration of the review period or
13 receipt of the signed document under Subsection (b), the court
14 reporter or court reporting firm shall promptly deliver the secure
15 digital deposition transcript to the custodial attorney
16 responsible for protecting the integrity of the transcript.

17 SECTION 3. Section 52.059(a), Government Code, is amended
18 to read as follows:

19 (a) Except as provided by Subsection (c), an attorney who
20 takes a deposition and the attorney's firm are jointly and
21 severally liable for a shorthand reporter's charges for:

22 (1) the shorthand reporting of the deposition;

23 (2) transcribing the deposition; and

24 (3) the secure digital deposition transcript [~~each~~
25 ~~copy of the deposition transcript requested by the attorney~~].

26 SECTION 4. The changes in law made by this Act apply only to
27 a deposition taken on or after the effective date of this Act. A

1 deposition taken before that date is governed by the law in effect
2 on the date the deposition was taken, and the former law is
3 continued in effect for that purpose.

4 SECTION 5. This Act takes effect September 1, 2023.