

BILL ANALYSIS

C.S.H.B. 2579
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the pandemic, the Texas Supreme Court and Office of Court Administration authorized and purchased new tools to make remote court reporting feasible through the use of technology. The court system and lawyers in depositions quickly adapted to the technology. Several changes in state law are needed to allow courts and lawyers to continue achieving the efficiencies the technology provided when the supreme court's emergency orders expire. C.S.H.B. 2579 seeks to address this issue by expanding the conditions under which a certified court reporter can put a witness under oath and by updating certain statutes to make court reporters more available and facilitate distribution of their work.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2579 amends the Code of Criminal Procedure to authorize a court reporter to take a witness deposition in a criminal case. The bill establishes that a court reporter may comply with the Texas Rules of Appellate Procedure relating to filing notes in a criminal case by electronically filing with the trial court clerk the untranscribed notes created using computer-aided software not later than the 20th day after the expiration of the time the defendant is allotted to perfect the appeal.

C.S.H.B. 2579 amends the Government Code to extend an authorization for an official court reporter of a court of record to conduct the deposition of witnesses, receive, execute, and return commissions, and make a certificate of proceedings in any county within that court's judicial district to any official court reporter and to the conduct of those duties in any county.

C.S.H.B. 2579 requires a court reporting firm representative or a court reporter who reported a deposition to complete and sign a deposition certificate, known as the further certification, and sets out the required contents of the deposition certificate.

C.S.H.B. 2579 authorizes a shorthand reporter to administer oaths to witnesses as follows:

- in a jurisdiction outside Texas, if the reporter is at the same location as the witness and the witness is or may be a witness in a case filed in Texas;
- at any location authorized in a certification or licensing reciprocity agreement between Texas and another jurisdiction; and

- without being at the same location as a witness or potential witness in a case filed in Texas if either of the following applies:
 - the reporter is physically located in Texas at the time the oath is administered; or
 - both the witness and the reporter are located in a jurisdiction that has an applicable reciprocity agreement with Texas.

The bill provides for the manner in which the identity of a witness who is not in the presence of the shorthand reporter may be proven. The bill requires a shorthand reporter administering an oath to a witness to state on the record and certify in each transcript of the deposition the physical location of the witness and the physical location of the reporter.

C.S.H.B. 2579 updates definitions of "shorthand reporter" and "court reporter" to harmonize with applicable certification requirements. The bill updates a provision relating to the use of electronic court recording equipment to clarify that the operation of that equipment by a person who engages in shorthand reporting but is not certified as a court reporter is neither sanctioned nor prohibited by certification requirements associated with the titles or designations "court recorder," "court reporter," and "shorthand reporter."

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2579 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.

The substitute revises the bill's caption to include a reference to depositions.