

By: Murr

H.B. No. 228

A BILL TO BE ENTITLED

AN ACT

relating to the use of an electronic recording device to report proceedings before certain courts; authorizing fees.

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

SECTION 1. The heading to Subchapter D, Chapter 52, Government Code, is amended to read as follows:

SUBCHAPTER D. OFFICIAL COURT REPORTERS: APPOINTMENT, EXEMPTION,
AND POWERS AND DUTIES [~~OF OFFICIAL COURT REPORTERS~~]

SECTION 2. Section 52.041, Government Code, is amended to read as follows:

Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER.
Except as provided by Section 52.0415, each ~~Each~~ judge of a court of record shall appoint an official court reporter. An official court reporter is a sworn officer of the court and holds office at the pleasure of the court.

SECTION 3. Subchapter D, Chapter 52, Government Code, is amended by adding Section 52.0415 to read as follows:

Sec. 52.0415. EXEMPTION: ELECTRONIC RECORDING DEVICE. (a)
The commissioners court of a county by order may exempt a court from the requirement imposed on the court's judge under Section 52.041 to appoint an official court reporter by authorizing the use of an electronic recording device to report the proceedings before the court. The judge of a statutory county court or county court in that county by order may claim the exemption and provide for

1 proceedings before the court to be reported using a good quality
2 electronic recording device.

3 (b) The commissioners court of each county within a judicial
4 district by agreement may exempt the district court from the
5 requirement imposed on the court's judge under Section 52.041 to
6 appoint an official court reporter by authorizing the use of an
7 electronic recording device to report the proceedings before the
8 court. The judge by order may claim the exemption and provide for
9 proceedings before the court to be reported using a good quality
10 electronic recording device.

11 (c) If an electronic recording device is used to report a
12 court proceeding, a court reporter is not required to be present
13 during the proceeding to certify the record of the proceeding.

14 (d) The commissioners court of a county that by order has
15 authorized, or the commissioners courts of a judicial district that
16 by agreement have authorized, the use of an electronic recording
17 device under this section shall adopt a policy for the provision of
18 a transcript on request or appeal in a proceeding reported using an
19 electronic recording device.

20 (e) A policy adopted under Subsection (d) may provide for
21 the imposition of fees associated with the preparation,
22 reproduction, or mailing of a transcript for a proceeding reported
23 using an electronic recording device. A policy that authorizes the
24 imposition of fees must also provide a mechanism for a person to
25 object to the fee amounts.

26 (f) This section does not affect a person's rights under
27 other law to request a proceeding before a court to be reported by a

1 court reporter.

2 SECTION 4. Section 24.579(c), Government Code, is amended
3 to read as follows:

4 (c) Notwithstanding any other law and only to the extent
5 that the duties of those individuals relate to civil commitment
6 proceedings under Chapter 841, Health and Safety Code, or to
7 criminal cases involving offenses under Section 841.085, Health and
8 Safety Code, and Article 62.203, Code of Criminal Procedure, the
9 state shall pay the salaries of and other expenses related to the
10 reporting of court proceedings [~~reporter appointed~~] for the 435th
11 District Court [~~under Section 52.041~~] and the court coordinator
12 appointed for the court under Section 74.101. The salaries of any
13 [~~the~~] court reporter and the court coordinator shall be set in
14 amounts commensurate with the salaries paid by other district
15 courts for those positions.

16 SECTION 5. This Act takes effect September 1, 2021.