

## **BILL ANALYSIS**

H.B. 4032  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Court reporters in Texas are required to provide paper deposition transcripts to the deponent, the attorneys of record, and parties to a case in which a deposition is taken. Deposition reporters are currently prohibited from providing the transcripts in a secure digital format. The deponent or their attorney is sent the paper transcript to read and sign, and any changes to the transcript by the deponent must be made on a separate form provided by the deposition reporter. However, often times the paper deposition is returned to the deposition reporter with pages missing or even altered. The deposition reporter must then certify or not certify the returned paper transcript before filing it with the court. In addition, paper transcripts are often damaged when being circulated and can be altered more easily than transcripts using modern, secure digital means of delivery. Consequently, court reporters are concerned that they are not fully able to protect the integrity of the record. H.B. 4032 seeks to address this issue by allowing court reporters to utilize secure digital deposition transcripts.

### **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**

H.B. 4032 amends the Government Code to entitle a deponent and the attorneys of record and parties to a case in which a deposition is taken to obtain a copy of the deposition transcript from the court reporter or court reporting firm, who may impose and require payment of a reasonable fee before providing the transcript. The bill requires the court reporter or firm to notify a deponent or attorney who requests a deposition transcript when the secure digital deposition transcript is available for review and to deliver a paper transcript to a deponent or deponent's attorney who prefers a paper transcript. The court reporter or firm may charge a reasonable fee for the paper transcript.

H.B. 4032 requires the court reporter or firm to allow the deponent a period of at least 20 days to do the following:

- review the secure digital original or paper transcript; and
- provide a separate signed document listing any changes in form or substance the deponent desires to make to the transcript and the reasons for those changes.

The bill requires the court reporter or firm to retain possession of the secure digital deposition transcript during this review period and, on the earlier of the period's expiration or the receipt of the signed document, to promptly deliver the secure digital transcript to the custodial attorney

responsible for protecting the transcript's integrity. With respect to the joint and several liability of an attorney and the attorney's firm for certain shorthand reporter's charges relating to a deposition, the bill replaces liability for charges for each copy of the deposition transcript with liability for charges for the secure digital deposition transcript. The bill defines "secure digital deposition transcript" or "secure digital original" as an original digital deposition transcript in a readable format that cannot be altered, printed, or saved.

H.B. 4032 applies only to a deposition taken on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.