

Use of Recording in California Courts

Currently many courts in California are implementing audio recording in compliance with Government Code section 69957:

69957. Electronic recording of proceedings

Whenever an official reporter or an official reporter pro tempore is unavailable to report an action or proceeding in a court, subject to the availability of approved equipment and equipment monitors, the court may order that, in a limited civil case, or a misdemeanor or infraction case the action or proceeding be electronically recorded, including all the testimony, the objections made, the ruling of the court, the exceptions taken, all arraignments, pleas, and sentences of defendants in criminal cases, the arguments of the attorneys to the jury, and all statements and remarks made and oral instructions given by the judge. A transcript derived from an electronic recording may be utilized whenever a transcript of court proceedings is required. The electronic recording device and appurtenant equipment shall be of a type approved by the Judicial Council for courtroom use and shall only be purchased for use as provided by this section. A court shall not expend funds for electronic recording technology or equipment to make an unofficial record of an action or proceeding or to use that technology or equipment to make the official record of an action or proceeding in circumstances not authorized by this section.

Legislative Background: After careful examination and consideration of the transcript and readback needs in all courts, it was determined that a less reliable system to capture the record was warranted only in low volume transcript courts.

The table below designates the high volume and low volume transcript courts. ER/DR is authorized and is currently being used in the low volume courts.

TRANSCRIPT

HIGH VOLUME	LOW VOLUME
Felony Trials	Traffic
Felony Arraignments	Infractions
Felony Law & Motion	Small Claims
Family Law/Family Support	Limited Civil Trials
Juvenile Delinquency	Misdemeanor Arraignments
Juvenile Dependency	Misdemeanor Law & Motion
Juvenile Writs	Misdemeanor Trials
Unlimited Civil Jury Trials	
Unlimited Civil Law & Motion	
Sexually Violent Predator Trials	