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SENATE BILL NO. 337

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact § 16.1-69.35:2 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 16.1-231.1, 17.1-275.12, and 19.2-165.01, relating to recording courtroom proceedings.

Patron—Cuccinelli

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.35:2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-231.1, 17.1-275.12, and 19.2-165.01 as follows:

§ 16.1-69.35:2. Recording of proceedings in district courts.

~~Proceedings~~In all proceedings in a general district court ~~may be tape recorded by~~, a party or his counsel may provide for the recording verbatim of the evidence and incidents of any proceeding either by a court reporter or by mechanical or electronic devices. If the court determines that the mechanical or electronic devices proposed to be used by a party or his counsel cannot be reasonably accommodated by existing courtroom facilities, the court may require that the party or his counsel use a court reporter. The administration of this section shall be under the direction of the Supreme Court of Virginia.

§ 16.1-231.1. Recording of proceedings in juvenile and domestic relations district courts.

In all proceedings in a juvenile and domestic relations district court, a party or his counsel may provide for the recording verbatim of the evidence and incidents of any proceeding either by a court reporter or by mechanical or electronic devices. If the court determines that the mechanical or electronic devices proposed to be used by a party or his counsel cannot be reasonably accommodated by existing courtroom facilities, the court may require that the party or his counsel use a court reporter. The administration of this section shall be under the direction of the Supreme Court of Virginia.

§ 17.1-275.12. Additional fee for recording trial or proceeding with mechanical or electronic devices.

In any case in which a party uses mechanical or electronic devices to make a verbatim recording of the evidence and incidents of a trial or proceeding, when such devices are provided by the court, the clerk of the circuit or district court shall assess a fee of \$50. The fee shall be collected upon the commencement of the trial or proceeding and shall be paid by the clerk into a special fund for the purpose of repairing, replacing, or supplementing such mechanical or electronic devices or to pay for the purchase price of such devices or for renovations to the courtroom necessary to allow for the use of such devices. For the purpose of this section, repairing shall include maintenance and service contracts. Fees collected under this section shall be retained locally and shall not be subject to the provisions of § 17.1-286.

§ 19.2-165.01. Recording evidence and incidents of proceedings in misdemeanor cases.

In all misdemeanor cases, a party or his counsel may provide for the recording verbatim of the evidence and incidents of any proceeding either by a court reporter or by mechanical or electronic devices. If the court determines that the mechanical or electronic devices proposed to be used by a party or his counsel cannot be reasonably accommodated by existing courtroom facilities, the court may require that the party or his counsel use a court reporter. The administration of this section shall be under the direction of the Supreme Court of Virginia.

INTRODUCED

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