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HOUSE BILL NO. 827

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding sections numbered 8.01-420.3:1 and 16.1-69.35:3, relating to electronic recording of court proceedings.*

Patrons—Surovell, Englin and Scott, J.M.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 8.01-420.3:1 and 16.1-69.35:3 as follows:

§ 8.01-420.3:1. *Proceedings in circuit courts; clerk authorized to provide for electronic recording system.*

The circuit court clerk is authorized to provide for electronic recording of proceedings in circuit courts. Such system shall be used to record all proceedings. The court shall not direct the clerk or allow the system to cease recording any portion of the proceeding.

The clerk shall provide an electronic copy of such proceedings, upon request, and upon the payment of a fee of \$50. All fees collected under this section shall be deposited into a special nonreverting local fund. Expenditures from the fund shall be at the direction of the clerk.

A transcript of a recorded proceeding may be prepared and certified by a court reporter and shall be deemed prima facie a correct statement of the evidence and incidents of trial.

§ 16.1-69.35:3. *Proceedings in district courts; clerk authorized to provide for electronic recording system.*

The clerk of a district court is authorized to provide for electronic recording of proceedings in general and juvenile and domestic relations district courts. Such system shall be used to record all proceedings. The court shall not direct the clerk or allow the system to cease recording any portion of the proceeding.

The clerk shall provide an electronic copy of such proceedings, upon request, and upon the payment of a fee of \$50. All fees collected under this section shall be deposited into a local fund to be used to cover operational expenses of such system. Excess fees not used to cover operational expenses shall be deposited into the state treasury. Access to juvenile and domestic relations district court proceedings shall be provided consistent with § 16.1-305.

A transcript of a recorded proceeding may be prepared and certified by a court reporter and shall be deemed prima facie a correct statement of the evidence and incidents of trial.

INTRODUCED

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