

House Bill 179

By: Representatives Smith of the 18th, Hong of the 103rd, Leverett of the 123rd, Gunter of the 8th, and Evans of the 57th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated,
2 relating appellate practice, so as to provide for the digital recording of certain trial
3 proceedings; to amend Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia
4 Annotated, relating to procedure for persons under sentence of state court of record, so as to
5 provide for digital recording of certain felony trial proceedings; to amend Title 15 of the
6 Official Code of Georgia Annotated, relating to courts, so as to provide for the digital
7 recording of certain Georgia State-wide Business Court proceedings; to provide for the
8 utilization and regulation of digital recording systems; to provide for definitions; to provide
9 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **PART I**
13 **SECTION 1-1.**

14 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
15 appellate practice, is amended by revising Code Section 5-6-41, relating to reporting,

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16 preparation, and disposition of transcript, correction of omissions or misstatements,
17 preparation of transcript from recollections, filing of disallowed papers, filing of stipulations
18 in lieu of transcript, and reporting at party's expense, as follows:

19 "5-6-41.

20 (a) For any felony trial; for any post-indictment evidentiary hearing in a felony case
21 excluding arraignments, guilty pleas, bond hearings, and any hearings in which no witness
22 testifies; and for all proceedings in a case in which the prosecuting attorney has filed a
23 notice of intent to seek the death penalty. ~~In all felony cases,~~ the transcript of evidence and
24 proceedings shall be reported and prepared by a court reporter as provided in Code Section
25 17-8-5 or as otherwise provided by law. In all other felony proceedings, the transcript of
26 evidence and proceedings shall either be reported and prepared by a court reporter as
27 provided in Code Section 17-8-5 or as otherwise provided by law or, in the judge's
28 discretion, be recorded via a digital recording system, as defined in Code Section 15-14-22,
29 as provided for by uniform court rules adopted and published by order of the Supreme
30 Court with the advice and consent of the council of the affected class or classes of trial
31 courts.

32 (b) In all misdemeanor cases, the trial judge may, in the judge's discretion, require the
33 reporting and transcribing of the evidence and proceedings by a court reporter on terms
34 prescribed by the trial judge, or may require the recording of the evidence and proceedings
35 via a digital recording system, as defined in Code Section 15-14-22, as provided for by
36 uniform court rules adopted and published by order of the Supreme Court with the advice
37 and consent of the council of the affected class or classes of trial courts.

38 (c) In all civil cases tried in the superior and city courts, in the Georgia State-wide
39 Business Court, and in any other court, the judgments of which are subject to review by the
40 Supreme Court or the Court of Appeals, the trial judge thereof may require the parties to
41 have the proceedings and evidence reported by a court reporter, the costs thereof to be
42 borne equally between them, or recorded via a digital recording system, as defined in Code

43 Section 15-14-22, as provided for by uniform court rules adopted and published by order
44 of the Supreme Court with the advice and consent of the council of the affected class or
45 classes of trial courts; and, where an appeal is taken which draws in question the transcript
46 of the evidence and proceedings, it shall be the duty of the appellant to have the transcript
47 prepared at the appellant's expense. Where it is determined that the parties, or either of
48 them, are financially unable to pay the costs of reporting or transcribing, and the
49 proceeding was not recorded by a digital recording system, as defined in Code Section
50 15-14-22, the judge may, in the judge's discretion, authorize trial of the case unreported;
51 and, when it becomes necessary for a transcript of the evidence and proceedings to be
52 prepared, it shall be the duty of the moving party to prepare the transcript from recollection
53 or otherwise.

54 (d) Where a trial in any civil or criminal case is reported by a court reporter or recorded
55 via a digital recording system, as defined in Code Section 15-14-22, as provided for by
56 uniform court rules adopted and published by order of the Supreme Court with the advice
57 and consent of the council of the affected class or classes of trial courts, all motions,
58 colloquies, objections, rulings, evidence, whether admitted or stricken on objection or
59 otherwise, copies or summaries of all documentary evidence, the charge of the court, and
60 all other proceedings which may be called in question on appeal or other posttrial
61 procedure shall be reported or recorded; and, where the report or recording is transcribed,
62 all such matters shall be included in the written transcript, it being the intention of this
63 article that all these matters appear in the record. Where matters occur which were not
64 reported or recorded, such as objections to oral argument, misconduct of the jury, or other
65 like instances, the court, upon motion of either party, shall require that a transcript of these
66 matters be made and included as a part of the record. The transcript of proceedings shall
67 not be reduced to narrative form unless by agreement of counsel; but, where the trial is not
68 reported or recorded or the transcript of the proceedings for any other reason is not

69 available and the evidence is prepared from recollection, it may be prepared in narrative
70 form.

71 (e) Where a civil or criminal trial is reported by a court reporter or recorded via a digital
72 recording system, as defined in Code Section 15-14-22, as provided for by uniform court
73 rules adopted and published by order of the Supreme Court with the advice and consent of
74 the council of the affected class or classes of trial courts, and the evidence and proceedings
75 are transcribed, the reporter shall complete the transcript and file the original and one copy
76 thereof with the clerk of the trial court, together with the court reporter's certificate attesting
77 to the correctness thereof. In criminal cases where the accused was convicted of a capital
78 felony, an additional copy shall be filed for the Attorney General, for which the court
79 reporter shall receive compensation from the Department of Law as provided by law. The
80 original transcript shall be transmitted to the appellate court as a part of the record on
81 appeal; and one copy will be retained in the trial court, both as referred to in Code Section
82 5-6-43. Upon filing by the reporter, the transcript shall become a part of the record in the
83 case and need not be approved by the trial judge.

84 (f) Where any party contends that the transcript or record does not truly or fully disclose
85 what transpired in the trial court and the parties are unable to agree thereon, the trial court
86 shall set the matter down for a hearing with notice to both parties and resolve the difference
87 so as to make the record conform to the truth. If anything material to either party is omitted
88 from the record on appeal or is misstated therein, the parties by stipulation, or the trial
89 court, either before or after the record is transmitted to the appellate court, on a proper
90 suggestion or of its own initiative, may direct that the omission or misstatement shall be
91 corrected and, if necessary, that a supplemental record shall be certified and transmitted by
92 the clerk of the trial court. The trial court or the appellate court may at any time order the
93 clerk of the trial court to send up any original papers or exhibits in the case, to be returned
94 after final disposition of the appeal.

95 (g) Where a proceeding is recorded via a digital recording system, as defined in Code
96 Section 15-14-22, as provided for by uniform court rules adopted and published by order
97 of the Supreme Court with the advice and consent of the council of the affected class or
98 classes of trial courts, such recording shall not be considered the record of the proceeding
99 unless it is transcribed and certified pursuant to this article. Such transcript shall not be
100 created if the recorded proceeding is also taken down and transcribed by a court reporter.

101 ~~(g)~~(h) Where a trial is not reported or recorded as referred to in subsections (b) and (c) of
102 this Code section or where for any other reason the transcript of the proceedings is not
103 obtainable and a transcript of the evidence and proceedings is prepared from recollection,
104 the agreement of the parties thereto or their counsel, entered thereon, shall entitle such
105 transcript to be filed as a part of the record in the same manner and with the same binding
106 effect as a transcript filed by the court reporter as referred to in subsection (e) of this Code
107 section. In case of the inability of the parties to agree as to the correctness of such
108 transcript, the decision of the trial judge thereon shall be final and not subject to review;
109 and, if the trial judge is unable to recall what transpired, the judge shall enter an order
110 stating that fact.

111 ~~(h)~~(i) Where any amendment or other pleading or paper which requires approval or
112 sanction of the court in any proceeding before being filed of record is disallowed or
113 sanction thereof is refused, the amendment, pleading, or paper may nevertheless be filed,
114 with notation of disallowance thereon, and shall become part of the record for purposes of
115 consideration on appeal or other procedure for review.

116 ~~(i)~~(j) In lieu of sending up a transcript of record, the parties may by agreement file a
117 stipulation of the case showing how the questions arose and were decided in the trial court,
118 together with a sufficient statement of facts to enable the appellate court to pass upon the
119 questions presented therein. Before being transmitted to the appellate court, the stipulation
120 shall be approved by the trial judge or the presiding judge of the court where the case is
121 pending.

122 (j)(k) In all cases, civil or criminal, any party may as a matter of right have the case
123 reported at the party's own expense."

124 **SECTION 1-2.**

125 Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to
126 procedure for persons under sentence of state court of record, is amended by revising Code
127 Section 9-14-50, relating to transcription of proceedings, as follows:

128 "9-14-50.

129 All trials held under this article shall be recorded via a digital recording system, as defined
130 in Code Section 15-14-22, as provided for by uniform court rules adopted and published
131 by order of the Supreme Court with the advice and consent of the council of the affected
132 class or classes of trial courts and transcribed by a court reporter, or taken down and
133 transcribed by a court reporter, as designated by the superior court hearing the case."

134 **PART II**

135 **SECTION 2-1.**

136 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
137 Code Section 15-5A-14, relating to the employment and compensation of other personnel,
138 as follows:

139 "15-5A-14.

140 The judge of the Georgia State-wide Business Court may employ and fix the salaries of
141 stenographers, clerical assistants, and such other employees as may be deemed necessary
142 by the court; and the salaries therefor shall be paid by the clerk from the amount
143 appropriated by the General Assembly for such purposes. The judge may also provide for
144 the recording of cases via a digital recording system, as defined in Code Section 15-14-22,

145 as provided for by uniform court rules adopted and published by order of the Supreme
146 Court with the advice and consent of the Georgia State-wide Business Court."

147 **SECTION 2-2.**

148 Said title is further amended by revising subsection (a) of Code Section 15-7-47, relating to
149 court reporters, waiver, and compensation relative to state courts, as follows:

150 ~~"(a) Court reporting personnel~~ A court reporter, or a digital recording system, as defined
151 in Code Section 15-14-22, as provided for by uniform court rules adopted and published
152 by order of the Supreme Court with the advice and consent of The Council of State Court
153 Judges of Georgia, or both, shall be made available for the reporting of civil and criminal
154 trials in state courts, subject to the laws governing same in the superior courts of this state.
155 The judge shall have discretion as to whether to use a digital recording system, as defined
156 in Code Section 15-14-22."

157 **SECTION 2-3.**

158 Said title is further amended by revising subsection (f) of and by adding a new subsection to
159 Code Section 15-12-83, relating to oath of court reporter attending grand jury proceeding,
160 compensation, and role and responsibilities, to read as follows:

161 "(f) The district attorney may utilize a digital recording system, as defined in Code Section
162 15-14-22, as provided for by uniform court rules adopted and published by order of the
163 Supreme Court with the advice and consent of the council of the affected class or classes
164 of trial courts to record grand jury proceedings.

165 (g) Except as otherwise provided in this Code section, a recording, any court reporter's
166 notes, and any transcript prepared from such recording or notes shall be provided solely to
167 the district attorney, who shall retain control of such recording, notes, and transcript. The
168 district attorney may use such materials to the extent such use is appropriate to the proper

169 performance of his or her official duties, including compliance with Article 1 of Chapter
170 16 of Title 17."

171 **SECTION 2-4.**

172 Said title is further amended by revising Code Section 15-14-1, relating to power of superior
173 court judges to appoint and remove, oath, and duties, as follows:

174 "15-14-1.

175 The judges of the superior courts shall have power to appoint and, at their pleasure, to
176 remove a court reporter, as defined in ~~Article 2 of this chapter~~ Code Section 15-14-22, for
177 the courts of their respective circuits. The court reporter, before entering on the duties of
178 the court reporter's office, shall be duly sworn in open court to perform faithfully all the
179 duties required of the court reporter by law. It shall be the court reporter's duty to attend
180 all courts in the circuit for which such court reporter is appointed and, when directed by the
181 judge, to record exactly and truly or take stenographic notes of the testimony and
182 proceedings in the case tried, except the arguments of counsel. The judges may provide
183 for the recording of cases and proceedings via a digital recording system, as defined in
184 Code Section 15-14-22, as provided for by uniform court rules adopted and published by
185 order of the Supreme Court with the advice and consent of The Council of Superior Court
186 Judges of Georgia when such recording is authorized pursuant to Code Section 5-6-41."

187 **SECTION 2-5.**

188 Said title is further amended by revising subsection (a) of Code Section 15-14-2, relating to
189 power of city court judges to appoint and compensation, as follows:

190 "(a) The judges of the city courts of this state having concurrent jurisdiction with the
191 superior courts of this state to try misdemeanor cases and to try civil cases where the
192 amount involved exceeds \$500.00, where not otherwise specifically provided for by law,
193 may appoint an official court reporter, as defined in ~~Article 2 of this chapter~~ Code Section

194 15-14-22, whose compensation for reporting criminal and civil cases and for attendance
195 upon court shall be the same as provided by the Judicial Council pursuant to Code Section
196 15-5-21. The court reporter reporting and transcribing civil cases shall be paid by the party
197 or parties requesting the reporting or transcribing. The judges may also provide for the
198 recording of cases via a digital recording system, as defined in Code Section 15-14-22, as
199 provided for by uniform court rules adopted and published by order of the Supreme Court
200 with the advice and consent of the council of the affected class or classes of trial courts."

201 **SECTION 2-6.**

202 Said title is further amended by revising Code Section 15-14-5, relating to duty to transcribe
203 and certificate, as follows:

204 "15-14-5.

205 (a) It shall be the duty of each court reporter to transcribe the evidence and other
206 proceedings of which he has taken notes as provided by law whenever requested so to do
207 by counsel for any party to such case and upon being paid the legal fees for such
208 transcripts. The reporter, upon delivering the transcript to such counsel, shall affix thereto
209 a certificate signed by him or her reciting that the transcript is true, complete, and correct.
210 Subject only to the right of the trial judge to change or require the correction of the
211 transcript, the transcript so certified shall be presumed to be true, complete, and correct.

212 (b) When a court proceeding has been recorded via a digital recording system, as defined
213 in Code Section 15-14-22, as provided for by uniform court rules adopted and published
214 by order of the Supreme Court with the advice and consent of the council of the affected
215 class or classes of trial courts, if requested or required by law, a transcript shall be prepared
216 by a certified court reporter. If a court reporter receives such recording from the court, the
217 court reporter shall transcribe the recording completely and accurately in accordance with
218 rules promulgated by the Judicial Council of Georgia or any applicable uniform rules. The
219 court reporter, upon delivering the transcript to the requesting party or upon filing it with

220 the clerk, shall affix thereto a signed certificate reciting that the transcript is true, complete,
 221 and correct. Subject only to the right of the trial judge to change or require the correction
 222 of the transcript, a transcript so certified shall be presumed to be true, complete, and
 223 correct."

224 **SECTION 2-7.**

225 Said title is further amended by revising Code Section 15-14-22, relating to definitions
 226 relative to training and certification of court reporters, as follows:

227 "15-14-22.

228 As used in this article, the term:

229 (1) 'Board' means the Board of Court Reporting of the Judicial Council.

230 (2) 'Certified court reporter' means any person certified under this article to practice
 231 verbatim reporting.

232 (3) 'Court reporter' means any person who is engaged in the practice of court reporting
 233 as a profession as defined in this article. ~~The term 'court reporter'~~ Such term shall include
 234 not only those who actually report judicial proceedings in courts but also those who make
 235 verbatim records as ~~defined~~ described in paragraph (4) of this Code section.

236 (4) 'Court reporting' means the making of a verbatim record by means of manual
 237 shorthand, machine shorthand, closed microphone voice dictation silencer, or by other
 238 means of personal verbatim reporting of any testimony given under oath before, or for
 239 submission to, any court, referee, or court examiner or any board, commission, or other
 240 body created by statute, or by the Constitution of this state or in any other proceeding
 241 where a verbatim record is required. The taking of a deposition is the making of a
 242 verbatim record as ~~defined~~ described in this article. Such term shall not include the
 243 operation of a digital recording system aside from those methods of making a verbatim
 244 record that require the passage of an examination accepted by the board pursuant to Code
 245 Section 15-14-30.

246 (5) 'Digital recording system' means any method for creating an electronic audio or
247 audiovisual recording of a court proceeding for the purpose of creating a verbatim
248 transcript."

249 **PART III**
250 **SECTION 3-1.**

251 This Act shall become effective on January 1, 2026.

252 **SECTION 3-2.**

253 All laws and parts of laws in conflict with this Act are repealed.