

House Bill 179 (AS PASSED HOUSE AND SENATE)

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

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,

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  
25 Section 17-8-5 or as otherwise provided by law. In all other felony proceedings, the  
26 transcript of evidence and proceedings shall either be reported and prepared by a court  
27 reporter as provided in Code Section 17-8-5 or as otherwise provided by law or, except as  
28 provided in Code Section 5-6-41, in the judge's discretion, be recorded via a digital  
29 recording system, as defined in Code Section 15-14-22, and as provided for by uniform  
30 court rules adopted and published by order of the Supreme Court with the advice and  
31 consent of the council of the affected class or classes of trial 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, except as provided in Code Section 5-6-41, may require  
35 the recording of the evidence and proceedings via a digital recording system, as defined in  
36 Code Section 15-14-22, and as provided for by uniform court rules adopted and published  
37 by order of the Supreme Court with the advice and consent of the council of the affected  
38 class or classes of trial courts.

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

43 borne equally between them, or, except as provided in Code Section 5-6-41, recorded via  
44 a digital recording system, as defined in Code Section 15-14-22, and as provided for by  
45 uniform court rules adopted and published by order of the Supreme Court with the advice  
46 and consent of the council of the affected class or classes of trial courts; and, where an  
47 appeal is taken which draws in question the transcript of the evidence and proceedings, it  
48 shall be the duty of the appellant to have the transcript prepared at the appellant's expense.  
49 Where it is determined that the parties, or either of them, are financially unable to pay the  
50 costs of reporting or transcribing, and the proceeding was not recorded by a digital  
51 recording system, as defined in Code Section 15-14-22, the judge may, in the judge's  
52 discretion, authorize trial of the case unreported; and, when it becomes necessary for a  
53 transcript of the evidence and proceedings to be prepared, it shall be the duty of the moving  
54 party to prepare the transcript from recollection or otherwise.

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

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

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

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

96 (g) Where a proceeding is recorded via a digital recording system, as defined in Code  
97 Section 15-14-22, and as provided for by uniform court rules adopted and published by  
98 order of the Supreme Court with the advice and consent of the council of the affected class  
99 or classes of trial courts, such recording shall not be considered the record of the  
100 proceeding unless it is transcribed and certified pursuant to subsection (b) of Code  
101 Section 15-14-5. Such transcript shall not be created if the recorded proceeding is also  
102 taken down and transcribed by a court reporter.

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

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

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

122 shall be approved by the trial judge or the presiding judge of the court where the case is  
123 pending.  
124 ~~(j)~~(k) In all cases, civil or criminal, any party may as a matter of right have the case  
125 reported by a court reporter at the party's own expense."

126 **SECTION 1-2.**

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

130 "9-14-50.

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

136 **PART II**

137 **SECTION 2-1.**

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

141 "15-5A-14.

142 The judge of the Georgia State-wide Business Court may employ and fix the salaries of  
143 stenographers, clerical assistants, and such other employees as may be deemed necessary  
144 by the court; and the salaries therefor shall be paid by the clerk from the amount  
145 appropriated by the General Assembly for such purposes. Except as provided in

146 subsection (k) of Code Section 5-6-41, the judge may also provide for the recording of  
147 cases via a digital recording system, as defined in Code Section 15-14-22, and as provided  
148 for by uniform court rules adopted and published by order of the Supreme Court with the  
149 advice and consent of the Georgia State-wide Business Court."

150 **SECTION 2-2.**

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

153 "(a) State courts shall make available for the reporting of civil and criminal trials a court  
154 reporter, as defined in Code Section 15-14-22, or a digital recording system, as defined in  
155 Code Section 15-14-22, and as provided for by uniform court rules adopted and published  
156 by order of the Supreme Court with the advice and consent of The Council of State Court  
157 Judges of Georgia ~~Court reporting personnel shall be made available for the reporting of~~  
158 ~~civil and criminal trials in state courts,~~ subject to the laws governing same in the superior  
159 courts of this state, or both. Except as provided in subsection (k) of Code Section 5-6-41,  
160 the judge shall have discretion as to whether to use a digital recording system, as defined  
161 in Code Section 15-14-22."

162 **SECTION 2-3.**

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

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

170 (g) Except as otherwise provided in this Code section, a recording, any court reporter's  
171 notes, and any transcript prepared from such recording or notes shall be provided solely to  
172 the district attorney, who shall retain control of such recording, notes, and transcript. The  
173 district attorney may use such materials to the extent such use is appropriate to the proper  
174 performance of his or her official duties, including compliance with Article 1 of Chapter 16  
175 of Title 17."

#### 176 SECTION 2-4.

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

179 "15-14-1.

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

193 **SECTION 2-5.**

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

196 "(a) The judges of the city courts of this state having concurrent jurisdiction with the  
197 superior courts of this state to try misdemeanor cases and to try civil cases where the  
198 amount involved exceeds \$500.00, where not otherwise specifically provided for by law,  
199 may appoint an official court reporter, as defined in ~~Article 2 of this chapter~~ Code  
200 Section 15-14-22, whose compensation for reporting criminal and civil cases and for  
201 attendance upon court shall be the same as provided by the Judicial Council pursuant to  
202 Code Section 15-5-21. Except as provided in subsection (k) of Code Section 5-6-41, the  
203 judges may also provide for the recording of cases via a digital recording system, as  
204 defined in Code Section 15-14-22, and as provided for by uniform court rules adopted and  
205 published by order of the Supreme Court with the advice and consent of the council of the  
206 affected class or classes of trial courts. The court reporter reporting and transcribing civil  
207 cases shall be paid by the party or parties requesting the reporting or transcribing."

208 **SECTION 2-6.**

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

211 "15-14-5.

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

219 (b) When a court proceeding has been recorded via a digital recording system, as defined  
 220 in Code Section 15-14-22, and as provided for by uniform court rules adopted and  
 221 published by order of the Supreme Court with the advice and consent of the council of the  
 222 affected class or classes of trial courts, if requested or required by law, a transcript shall be  
 223 prepared by a certified court reporter. If a court reporter receives such recording from the  
 224 court, the court reporter shall transcribe the recording completely and accurately in  
 225 accordance with rules promulgated by the Judicial Council of Georgia or any applicable  
 226 uniform rules. The court reporter, upon delivering the transcript to the requesting party or  
 227 upon filing it with the clerk, shall affix thereto a signed certificate reciting that the  
 228 transcript is true, complete, and correct. Subject only to the right of the trial judge to  
 229 change or require the correction of the transcript, a transcript so certified shall be presumed  
 230 to be true, complete, and correct."

231 **SECTION 2-7.**

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

234 "15-14-22.

235 As used in this article, the term:

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

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

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

243 (4) 'Court reporting' means the making of a verbatim record by means of manual  
 244 shorthand, machine shorthand, closed microphone voice dictation silencer, or by other

245 means of personal verbatim reporting of any testimony given under oath before, or for  
246 submission to, any court, referee, or court examiner or any board, commission, or other  
247 body created by statute, or by the Constitution of this state or in any other proceeding  
248 where a verbatim record is required. The taking of a deposition is the making of a  
249 verbatim record as ~~defined~~ described in this article. Such term shall not include the  
250 operation of a digital recording system aside from those methods of making a verbatim  
251 record that require the passage of an examination accepted by the board pursuant to Code  
252 Section 15-14-30.

253 (5) 'Digital recording system' means any method for creating an electronic audio or  
254 audiovisual recording of a court proceeding for the purpose of creating a verbatim  
255 transcript as provided for by uniform court rules adopted and published by order of the  
256 Supreme Court with the advice and consent of the council of the affected class or classes  
257 of trial courts."

### 258 **PART III**

#### 259 **SECTION 3-1.**

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

#### 261 **SECTION 3-2.**

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