

House Bill 1208

By: Representatives Gunter of the 8<sup>th</sup>, Burchett of the 176<sup>th</sup>, Leverett of the 123<sup>rd</sup>, Smith of the 18<sup>th</sup>, Kelley of the 16<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated,  
2 relating to depositions and discovery, so as to require depositions in this state to be taken  
3 before certified court reporters; to repeal requirements that depositions in this state shall be  
4 recorded by stenographic means; to provide an effective date; to provide for related matters;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to  
9 depositions and discovery, is amended in Code Section 9-11-28, relating to persons before  
10 whom depositions may be taken, disqualification for interest, and consent of parties, by  
11 revising subsection (a) as follows:

12 "(a) **Within the United States and its possessions.** Within the United States or within a  
13 territory or insular possession subject to the dominion of the United States, depositions  
14 shall be taken before an officer authorized to administer oaths by the laws of the United  
15 States or by the laws of the place where the examination is held or before a court reporter  
16 appointed by the court in which the action is pending ~~or, if, except that~~ within this state,

17 depositions shall be taken before a certified court reporter, as such term is defined in Code  
18 Section 15-14-22 ~~or as otherwise provided by the rules of the Board of Court Reporting.~~  
19 A person so appointed has power to administer oaths and take testimony."

20

## SECTION 2.

21 Said article is further amended in Code Section 9-11-30, relating to depositions upon oral  
22 examination, by revising paragraph (4) of subsection (b) as follows:

23 "(4) **Recording of deposition.** Unless the court orders otherwise, the testimony at a  
24 deposition ~~must~~ shall be recorded by ~~stenographic means~~ a certified court reporter, as  
25 such term is defined in Code Section 15-14-22, or by any means permitted by the Board  
26 of Court Reporting of the Judicial Council, and may also be recorded by sound or sound  
27 and visual means ~~in addition to stenographic means~~, and the party taking the deposition  
28 shall bear the costs of the recording. A deposition shall be conducted before an officer  
29 appointed or designated under Code Section 9-11-28, and within this state such  
30 deposition shall be conducted before a certified court reporter, as such term is defined in  
31 Code Section 15-14-22. Upon motion of a party or upon its own motion, the court may  
32 issue an order designating the manner of recording, preserving, and filing of a deposition  
33 ~~taken by nonstenographic means~~, which order may include other provisions to assure that  
34 the recorded testimony will be accurate and trustworthy. Any party may arrange for a  
35 transcription to be made from the recording of a deposition ~~taken by nonstenographic~~  
36 ~~means~~. With prior notice to the deponent and other parties, any party may designate  
37 another method to record the deponent's testimony in addition to the methods specified  
38 by the person taking the deposition. The additional record or transcript shall be made at  
39 that party's expense unless the court otherwise orders. The appearance or demeanor of  
40 deponents or attorneys shall not be distorted through camera or sound-recording  
41 techniques. Notwithstanding the foregoing provisions of this paragraph, a deposition  
42 may be taken by telephone or other remote electronic means only upon the stipulation of

43 the parties or by order of the court. For purposes of the requirements of this chapter, a  
44 deposition taken by telephone or other remote electronic means is taken in ~~the~~ this state  
45 and at the place where the deponent is to answer questions."

46 **SECTION 3.**

47 This Act shall become effective on July 1, 2026.

48 **SECTION 4.**

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