

House Bill 1208 (COMMITTEE SUBSTITUTE)

By: Representatives Gunter of the 8th, Burchett of the 176th, Leverett of the 123rd, Smith of the 18th, Kelley of the 16th, 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,

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

43 deposition taken by telephone or other remote electronic means is taken in ~~the~~ this state
44 and at the place where the deponent is to answer questions."

45 **SECTION 3.**

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

47 **SECTION 4.**

48 All laws and parts of laws in conflict with this Act are repealed.