

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1561
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Jurisprudence
4-29-97
Committee Report (Substituted)

DIGEST

Currently, all depositions conducted in this state must be recorded and/or transcribed by a certified shorthand reporter. Not even a court can authorize the taking of a non-stenographic recording. There are situations, especially in the representation of low income/pro bono/legal aid litigants, when conducting discovery by utilizing stenographic depositions is cost prohibitive and effectively prevents these litigants from having their "full" day in court. This bill will authorize a noncertified shorthand reporter to report an oral deposition upon agreement of the parties or authorization from a court of competent jurisdiction.

PURPOSE

As proposed, C.S.S.B. 1561 authorizes a noncertified shorthand reporter to report an oral deposition upon agreement of the parties or authorization from a court of competent jurisdiction.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 52.031(b), Local Government Code, to authorize a noncertified shorthand reporter to report an oral deposition only if the parties or their counsel stipulate prior to the commencement of the deposition, either on the record or in writing, to the taking of the deposition by non-stenographic recording; or absent the application of Subsections (1)-(3), upon application by a party or their attorney, a court of competent jurisdiction authorizes the taking of the non-stenographic deposition.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed repealer of Section 52.021(f), Government Code.

Amends Section 52.031(b), Local Government Code, to authorize a noncertified shorthand reporter to report an oral deposition upon agreement of the parties or authorizations by a court of competent jurisdiction.