

1 SB243
2 148628-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 21-FEB-13

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8 SYNOPSIS: Under existing law, a record of all district
9 court proceedings sitting as the circuit court and
10 domestic relations proceedings may not be kept by
11 electronic recording equipment.

12 This bill would allow sound recording of all
13 district court proceedings sitting as the circuit
14 court and domestic relations proceedings.

15 This bill would provide specifications for
16 sound recording devices and appurtenant equipment
17 when sound is to be recorded.

18 This bill would provide that if an appeal is
19 filed in a case in which the court proceedings have
20 been recorded by an electronic device, the trial
21 judge may request the assistance of the presiding
22 circuit court judge in determining the appropriate
23 person to transcribe the record for purposes of
24 providing a certified record on appeal.

25 This bill would provide that the person
26 designated to transcribe the court proceedings
27 shall be entitled to be paid the transcript fees.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 Relating to recording of district court proceedings
7 sitting as the circuit court and domestic relations
8 proceedings; to allow sound recording of all district court
9 proceedings sitting as the circuit court and domestic
10 relations proceedings; to provide specifications for sound
11 recording devices and appurtenant equipment when only sound is
12 to be recorded; to provide that if an appeal is filed in a
13 case in which the court proceedings have been recorded by an
14 electronic device, the trial judge may request the assistance
15 of the presiding circuit court judge in determining the
16 appropriate person to transcribe the record for purposes of
17 providing a certified record on appeal; and to provide that
18 the person designated to transcribe the court proceedings
19 shall be entitled to be paid the transcript fees.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) A record of all district court
22 proceedings sitting as the circuit court and domestic
23 relations proceedings shall be kept by electronic recording
24 equipment operated by a person designated by the judge
25 presiding over the proceedings. The audio record shall be
26 preserved until the time for taking an appeal has expired.

1 (b) The following specifications for sound recording
2 devices and appurtenant equipment when only sound is to be
3 recorded shall apply:

4 (1) The device shall be capable of simultaneously
5 recording at least four separate channels or tracks, each of
6 which has a separate playback control so that any one channel
7 separately or any combination of channels may be played back.

8 (2) The device may not have an operative erase head.

9 (3) The device shall have a digital counter or
10 comparable means of logging and locating specific proceedings.

11 (4) Earphones shall be provided for monitoring the
12 recorded signal.

13 (5) The signal going to the earphones shall come
14 from a separate playback head, so that the monitor will hear
15 what has actually been recorded.

16 (6) The device shall be capable of recording at
17 least two hours without interruption. This requirement may be
18 satisfied by a device that automatically switches from one
19 audio recorder to another.

20 (7) A separate visual indicator of signal level
21 shall be provided for each recording channel.

22 (8) The appurtenant equipment shall include at least
23 four microphones, one at the witness stand, one at the bench,
24 and one at each counsel table. In the absence of unusual
25 circumstances, all microphones shall be directional.

26 (9) A loudspeaker shall be provided for courtroom
27 playback.

1 (c) A sound system that substantially conforms to
2 these specifications shall be approved if the deviation does
3 not significantly impair a major function of the system.

4 (d) The Administrative Director of Courts may
5 approve any electronic recording devices and equipment
6 acquired before the effective date of this act if the devices
7 has been found by the court to produce satisfactory recordings
8 of proceedings.

9 (e) If an appeal is filed in a case in which the
10 court proceedings have been recorded by an electronic device,
11 the trial judge may request the assistance of the presiding
12 circuit court judge in determining the appropriate person to
13 transcribe the record for purposes of providing a certified
14 record on appeal.

15 (f) The person designated to transcribe the court
16 proceedings shall be entitled to the transcript fees.

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.