

CHAPTER 877

H.B. No. 2259

AN ACT

relating to records of trials in municipal courts of record of Addison.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 30.658, Government Code, is amended to read as follows:

Sec. 30.658. COURT REPORTER. (a) *The city shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The clerk of the court shall appoint the court reporter, who must meet the qualifications provided by law for official court reporters. The reporter shall be compensated by the city in the manner determined by the governing body of the city.*

(b) *The court reporter may use written notes, transcribing equipment, recording equipment, or a combination of those methods to record the proceedings of the court. The court reporter shall keep the record for a 20-day period beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last.*

(c) *The court reporter is not required to record testimony in a case unless the judge or one of the parties requests a record. A party's request for a record must be in writing and filed with the court before trial.*

(d) *The governing body may provide that, instead of providing a court reporter at trial, proceedings in a municipal court of record may be recorded by a good quality electronic recording device. If the recording device is used, the transcriber need not be present at the trial to certify the statement of facts. The proceedings that are appealed shall be transcribed from the recording by an official court reporter, clerk of court, deputy clerk of court, or a notary public [For the purpose of preserving a record in all cases tried before the municipal courts, the governing body of the city shall provide an official court reporter. The official court reporter must have the qualifications required by general law for official court reporters.*

~~(b) The court reporter may use written notes, transcribing equipment, audio recording equipment, or a combination of these methods to prepare a transcript of the proceedings of the court.~~

~~(c) The court reporter shall certify the official record.~~

~~[(d) The court reporter is not required to record testimony in a trial unless the judge or one of the parties requests a record].~~

SECTION 2. Section 30.666, Government Code, is amended to read as follows:

Sec. 30.666. STATEMENT OF FACTS. *A statement of facts included in the record on appeal must contain:*

(1) *a transcript of all or part of the municipal court of record proceedings that are shown by the notes of the court reporter to have occurred before, during, or after the trial, if the transcript is requested by the defendant;*

(2) *a brief statement of the facts of the case proven at trial as agreed to by the defendant and the prosecuting attorney;*

(3) *a partial transcript and the agreed statement of the facts of the case; or*

~~(4) a transcript of all or part of the municipal court of record proceedings in the case that is prepared from mechanical or videotape recordings of the proceedings [(a) The statement of facts consists of a transcription of the testimony of witnesses and bills of exception. The court reporter shall prepare a statement of facts at the request of the court or of any party and shall immediately notify all parties in writing if a request is made. The reporter shall provide each party with a copy of the statement and shall file one copy with the clerk of the municipal courts of record for immediate transmission to the appellate~~

~~court clerk. The transcription shall be in narrative form unless a party gives written objection to the use of narrative form not later than the fifth day after receiving notice of the request for a statement of facts.~~

~~[(b) The court reporter shall omit from the statement of facts matters that are not essential to the decision or the questions presented in the motion for new trial. The reporter may abridge any document by omitting or abbreviating a formal portion of the document and shall exclude formal parts of exhibits and more than one copy of any document.~~

~~[(c) The judge does not need to approve the statement of facts if it is agreed to by the defendant or the defendant's attorney and the city attorney or assistant city attorney.~~

~~[(d) The party requesting a statement of facts, other than the state or city, shall pay the cost of preparation of the statement of facts. The defendant recovers the costs he paid for the statement of facts if the case is overturned or dismissed on appeal.~~

~~[(e) The defendant or the defendant's attorney and the city attorney or assistant city attorney may agree on a brief statement of the case and the facts proven at trial for use by the appellate court. That statement must be included in the transcript instead of the proceedings at trial].~~

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 14, 1993, by a non-record vote; passed by the Senate on May 29, 1993: Yeas 31, Nays 0.

Approved June 18, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.