

Senator Todd D. Weiler proposes the following substitute bill:

INDIGENT DEFENSE TRANSCRIPTS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Joel Ferry

LONG TITLE

General Description:

This bill amends provisions regarding court transcripts.

Highlighted Provisions:

This bill:

- ▶ addresses the cost of court transcripts; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-408, as last amended by Laws of Utah 2019, Chapter 326

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-2-408** is amended to read:

78A-2-408. Transcripts and copies -- Fees.

(1) The Judicial Council shall by rule provide for a standard page format for transcripts



26 of court hearings.

27 (2) ~~[(a) The]~~ Except as provided in Subsections (2)(c) and (e), the fee for a transcript of
28 a court session, or any part of a court session, [shall be] may not be more than \$4.50 per page,
29 which includes the initial preparation of the transcript and one certified copy.

30 (b) The preparer shall:

31 (i) deposit the original text file and printed transcript with the clerk of the court; and

32 (ii) provide the person requesting the transcript with the certified copy.

33 (c) The cost of additional copies of the transcript shall be as provided in Subsection
34 78A-2-301(1).

35 (d) The transcript for an appeal shall be prepared within the time period permitted by
36 ~~[the rules]~~ the Utah Rules of Appellate Procedure. ~~[The fee for a transcript prepared within~~
37 ~~three business days of the request shall be 1-1/2 times the base rate. The fee for a transcript~~
38 ~~prepared within one business day of the request shall be double the base rate.]~~

39 (e) The fee for a transcript prepared:

40 (i) within three business days of the request, shall be 1-1/2 times the base rate; and

41 (ii) within one business day of the request, shall be double the base rate.

42 ~~[(b)]~~ (3) (a) When a transcript is ordered by the court, the fees shall be paid by the
43 parties to the action in equal proportion or as ordered by the court.

44 (b) The fee for a transcript in a criminal case in which the defendant is found to be
45 ~~[indigent shall be paid pursuant to Section 78B-22-302]~~ an indigent individual, as defined in
46 Section 78B-22-102, shall be paid in accordance with Subsection 78B-22-203(3).

47 ~~[(3)]~~ (4) (a) The fee for the preparation of a transcript of a court hearing by an official
48 court transcriber and the fee for the preparation of the transcript by a certified court reporter of
49 a hearing before any court, referee, master, board, or commission of this state shall be ~~[as~~
50 ~~provided in Subsection (2)(a), and shall be]:~~

51 (i) in accordance with Subsection (2); and

52 (ii) payable to the person preparing the transcript.

53 (b) Payment for a transcript under this section is the responsibility of the party
54 requesting the transcript.