

SB0084S01 compared with SB0084

~~{deleted text}~~ shows text that was in SB0084 but was deleted in SB0084S01.

inserted text shows text that was not in SB0084 but was inserted into SB0084S01.

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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: _____

LONG TITLE

General Description:

This bill amends provisions regarding court transcripts.

Highlighted Provisions:

This bill:

- ▶ addresses the cost of court transcripts ~~{in cases involving indigent individuals}~~; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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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 of court hearings.

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

~~{~~ ~~—~~ ~~(b) The fee for a transcript in a case involving an indigent individual, as defined in Section 78B-22-102, shall be \$2.00 per page, which includes the initial preparation of the transcript and one certified copy.~~

~~†~~ ~~(~~f~~c~~)~~b~~ The preparer shall:

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

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

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

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

~~(~~f~~f~~)~~e~~ ~~{~~ ~~Except as provided in Subsection (2)(b), the~~ The fee for a transcript prepared:

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

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

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

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

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

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

(ii) payable to the person preparing the transcript.

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