

HOUSE BILL 1133

By Sherrell

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 18 and Title 21, relative to the recording of
civil proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 18, Chapter 1, Part 1, is amended by adding the following language as a new section:

(a) In all civil matters except ex parte hearings, clerks of the circuit, general sessions, chancery, and special courts shall audio record all open courtroom proceedings conducted by the court regardless of whether or not a court stenographer is present in the courtroom.

(b) For identification purposes, the clerk shall label each audio recording with the judicial district number, the name and division of the court, and the date of the recording.

(c) A party to a civil court proceeding may request from the clerk a duplicate copy of the portion of the audio recording relevant to the party's case. The cost of the duplicate recording shall be fifty dollars (\$50.00) per disc or other media format and shall be payable to the clerk of the court. Any subsequent requests for copies of the audio recording shall be one hundred dollars (\$100) per disc or other media format.

(d) In cases involving a party declared to be indigent by the court, the administrative office of the courts, upon request by the trial court, will furnish the clerk of court with the blank electronic media needed for making one (1) duplicate copy of the audio recording of the relevant portion of the court proceedings for the indigent party, and no fee will be assessed by the clerk of the court to the indigent party or to the administrative office of the courts.

(e) Revenue derived from the sale of duplicate copies of audio recordings shall first be applied to the costs incurred by the court in making the copy, and any remaining revenue may be used to fund the court's other technology related needs.

(f) The clerk of the court shall retain the original audio recordings for a period of three (3) years. Upon expiration of three (3) years, the clerk of the court may dispose of the original audio recording.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.