



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR S.B. 1267

record of proceedings; electronic recording

Purpose

Outlines circumstances when a court may use electronic recording devices in lieu of court reporters or stenographers.

Background

Statute allows the state or any state agency, including the judiciary, and each political subdivision of Arizona, including any courts of law, to use tape recorders or other recording devices in lieu of reporters or stenographers unless: 1) the matter to be recorded arises out of court proceedings; and 2) either party requests that a court reporter or stenographer be used ([A.R.S. § 38-424](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows a court to use an electronic recording device in lieu of a court reporter or stenographer, with exceptions.
2. Excludes grand jury trials and court-ordered mental health hearings from the permissible use of electronic recording devices in lieu of court reporters or stenographers.
3. Requires a court reporter or stenographer to be used, if available, on written request from either party at least five court days before a trial or hearing, if the matter:
 - a) arises out of an indictment or information unless the court finds a trial is required to start within the five days in order to comply with a victim's or defendant's right to a speedy trial; or
 - b) regards sexually violent persons.
4. Allows either party to provide a court reporter or stenographer in addition to the electronic recording device that is used by a court to record the proceedings.
5. Stipulates that the official record of court proceedings is the record prepared by the court pursuant to rules adopted by the Arizona Supreme Court.
6. Makes technical changes.
7. Becomes effective on the general effective date.