



Judicial Council of California

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Subject Text

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File #: 22-162, Version: 1

Title

Rules and Forms | Court Records: Retention of Reporters' Transcripts in Felony Appeals (Action Required)

Summary

To better align the length of time reporters' transcripts must be kept with the length of time they may be needed and to conform to a recent statutory change, the Appellate Advisory Committee recommends amending the rule regarding retention of Court of Appeal records. The amendments would extend the time the Court of Appeal must keep the original or an electronic copy of the reporter's transcript from 20 years to 75 years in cases affirming a felony conviction. The amendments would also reflect the statutory presumption that an original reporter's transcript is in electronic form, not paper form.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend rule 10.1028(d) of the California Rules of Court to add new paragraph (3) to require the Court of Appeal to retain the original or an electronic copy of the reporter's transcript in cases affirming a felony conviction for 75 years; and
2. Amend rule 10.1028(d)(2) and the advisory committee comment to reflect the statutory requirement that an original reporter's transcript must be in electronic form unless a specified exception allows for an original paper transcript.