#### SENATE JUDICIARY COMMITTEE Senator Thomas Umberg, Chair 2023-2024 Regular Session

SB 21 (Umberg) Version: February 23, 2023 Hearing Date: March 28, 2023 Fiscal: Yes Urgency: Yes AWM

## **SUBJECT**

Civil actions: remote proceedings: continuances and postponements

#### DIGEST

This bill extends the sunset on the statutory authorization for remote appearances in specified civil court proceedings and requires the Judicial Council of California to annually report to the Legislature about the use of remote technology in the courts.

### **EXECUTIVE SUMMARY**

Before the COVID-19 pandemic, there was no explicit statutory authorization for parties in civil cases to appear in, or call witnesses via, electronic audiovisual means (shorthanded to "remote" means). Anecdotally, parties occasionally stipulated to remote appearances by witnesses, but the only sanctioned method of appearing, other than in person, was through the use of Court Call in specified proceedings. This changed when the COVID-19 pandemic made large-scale in-person gatherings a public safety hazard: the Judicial Council of California (Judicial Council) adopted emergency orders that, among other things, authorized remote proceedings in civil cases and in criminal cases with the consent of the defendant. Later, the Legislature enacted SB 241 (Umberg, Ch. 214, Stats. 2021), which created a statutory framework for remote appearances in civil proceedings, including trials, subject to certain technological requirements and safeguards.

The remote proceedings statute is currently set to sunset on July 1, 2023. Last year, SB 848 (Umberg, 2022) would have extended the sunset to January 1, 2026; however, the bill failed passage on the Senate floor.

This bill is similar to SB 848, in that it will extend the sunset on the civil remote statute to January 1, 2026. In recognition of the fact that the remote statute is set to sunset in the middle of this year, the bill includes an urgency clause. The bill also adds a requirement that the Judicial Council annually report to the Legislature, based on information

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provided by the courts, certain information regarding the use of remote technology in the trial courts. Additionally, the bill makes substantive modifications to the existing remote authorization statute, by (1) clarifying that remote technology can be used in specified adoption proceedings and exempts juvenile justice and civil commitment proceedings from the existing civil remote statute, and (2) exempting juvenile justice and certain civil commitment proceedings from the scope of the current civil remote statute; these types of proceedings are addressed in SB 22 (Umberg, 2023), which would enact a separate statute setting forth the procedures and requirements for the use of remote technology in these case types. SB 22 is set to be heard on the same date as this bill.

This bill is sponsored by California Defense Council, the California Judges Association, and Consumer Attorneys of California, and is supported by the Alliance for Children's Rights, the California Lawyers Association, the California Rural Legal Assistance Foundation, the Children's Law Center of California, the Judicial Council of California, and the Superior Court of California for the County of Los Angeles. This bill is opposed by one individual.

## PROPOSED CHANGES TO THE LAW

Existing law:

- Authorizes parties to civil cases, including self-represented parties and nonparties subject to discovery requests, to appear remotely at a proceeding, and for the court to conduct the proceeding remotely, when the party has provided notice to the court and all other parties of the intent to appear remotely, subject to the limitations in 2)-8). (Code Civ. Proc., § 367.75(a), (g).)
  - a) A court is prohibited from requiring a party to appear remotely. (Code Civ. Proc., § 367.75(f), (g).)
  - b) A court permitting remote appearances must ensure that technology in the courtroom enables all parties, whether appearing remotely or in person, to fully participate in the conference, hearing, or proceeding. (Code Civ. Proc., § 367.75(f).)
  - c) Separate procedures apply for remote appearances in juvenile dependency proceedings, at 7).
  - d) "Party," for purposes of 1)-10), is defined to include a nonparty subject to Chapter 6 of Title 4 of Part 4 (commencing with Section 2020.010). (Code Civ. Proc., § 367.75(i).)
- 2) Authorizes a court to require an in-person appearance by a party or witness in a civil proceeding if any of the following conditions is present:
  - a) The court does not have adequate technology to conduct the proceeding remotely.

- b) Although the court has adequate technology, the quality of the technology or the audibility at the proceeding prevents the effective management or resolution of the proceeding.
- c) The court determines, on the facts of the specific proceeding, that an inperson appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the particular case. With respect to expert witnesses, however, an expert witness must be permitted to appear remotely absent good cause to compel in-person testimony.
- d) The quality of the technology or audibility of the proceeding inhibits the court reporter's ability to accurately prepare a transcript of the proceeding.
- e) The quality of the technology or audibility of the proceeding prevents an attorney from being able to provide effective representation to their client.
- f) The quality of the technology or audibility of the proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual. (Code Civ. Proc., § 367.75(b).)
- 3) Provides, notwithstanding 2)(c), that an expert witness may appear remotely absent good cause to compel in-person testimony. (Code Civ. Proc., § 367.75(c).)
- 4) Authorizes a court, on its own motion or by motion of any party, to conduct a trial or evidentiary hearing, in whole or in part, through the use of remote technology, subject to the limitations of 2) above, unless an opposing party shows why a remote appearance or testimony should not be allowed.
  - a) Except where law expressly provides otherwise, if the court conducts a trial in whole or in part through remote means, the official reporter or official reporter pro tempore must be physically present in the courtroom.
  - b) Upon request, a court interpreter must be present in the courtroom. (Code Civ. Proc., § 367.75(d).)
- 5) Requires a court, prior to conducting remote proceedings, to have a process for a party, witness, official reporter or reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the proceeding, and to require that a remote appearance by a party or witness have the necessary privacy and security appropriate for the proceeding. (Code Civ. Proc., § 367.75(e)(1)-(2).)
- 6) Requires a court to inform all parties, and particularly self-represented parties, about the potential technological or audibility issues that may arise when using remote technology, and which may require a delay or halt to the proceeding; and to make information available to self-represented parties regarding the options for appearing in person and through remote technological means. (Code Civ. Proc., § 367.75(e)(3).)

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- 7) Authorizes a juvenile dependency proceeding to be conducted in whole or in part as follows:
  - a) Any person authorized to be present at the proceeding may request to appear remotely.
  - b) Any party to the proceeding may request that the court compel the physical presence of a witness or party.
  - c) A witness may appear remotely only with the consent of all parties and if the witness has access to the appropriate technology.
  - d) A court may not require a party to appear through the use of remote technology.
  - e) The confidentiality requirements that apply to an in-person juvenile dependency proceeding also apply in a juvenile dependency proceeding conducted through the use of remote technology. (Code Civ. Proc., § 367.75(h).)
- 8) Provides that, subject to the court's authority to require an in-person requirement under 2), the statute does not prohibit attorneys for represented parties from stipulating to the use of remote appearances. (Code Civ. Proc., § 367.75(j).)
- 9) Requires the Judicial Council to adopt rules for the policies and procedures set forth above, including for deadlines by which a party must notify the court and other parties of its intent to appear remotely, and standards for a judicial officer to apply in determining whether a remote appearance is appropriate. (Code Civ. Proc., § 367.75(k).)
- 10) Provides that the remote technology provisions in 3)-9) will sunset on July 1, 2023. (Code Civ. Proc., § 367.75(l).)
- 11) Establishes, through a California Rule of Court, procedures for the use of remote technology in juvenile justice and civil commitment actions. (Cal. Rules of Court, r. 3.672.)

This bill:

- 1) Provides that the existing remote technology statute does not apply to any of the following types of proceedings:<sup>1</sup>
  - a) Juvenile court proceedings under Section 601 or 602 of the Welfare and Institutions Code.
  - b) Proceedings to extend juvenile commitments pursuant to Section 1800 of the Welfare and Institutions Code.
  - c) A range of proceedings to have a person committed to a state hospital, including involuntary civil commitment proceedings under the Lanterman-

<sup>&</sup>lt;sup>1</sup> As discussed further below, the proceedings specifically exempted from the existing remote technology statute in this bill are addressed in a parallel bill, SB 22 (Umberg, 2023).

Petris-Short Act and proceedings to commit a person who has been found incompetent to stand trial.

- d) Proceedings relating to the commitment of a person with a developmental disability who has been found to be a danger to themselves or others.
- 2) Permits a court to conduct an adoption finalization hearing in whole or in part through remote technology without a finding that an in-person appearance is impossible, subject to the following:
  - a) The court may not require any party to appear through remote technology; and
  - b) Existing confidentiality and privacy requirements that apply to adoption finalization hearings also apply to an adoption finalization hearing conducted via remote technology.
- 3) Requires the Judicial Council to report annually to the Legislature on the use of remote technology in civil cases, as follows:
  - a) The report must address the number of civil proceedings conducted through the use of remote technology, the superior courts that used remote technology and where problems occurred, the types of proceedings in which remote technology was used, and the types of technology used and the cost of acquiring and updating that technology.
  - b) Each superior court must report the information in a) to the Judicial Council by October 1, 2023, and annually thereafter.
  - c) The Judicial Council must compile the information provided in b) and submit its report to the Legislature assessing the impact of technology issues or problems affecting civil remote proceedings and all purchases and leases of technology or equipment by December 31, 2023, and annually thereafter.
- 4) Extends the July 1, 2023, sunset on the existing remote technology statute until January 1, 2026.
- 5) Contains an urgency clause.

# **COMMENTS**

### 1. Author's comment

According to the author:

Widespread and pervasive inefficiencies in our courts have been well documented for many years and were exacerbated by the COVID-19 pandemic, as it created hurdles for some parties to physically appear in court on a specified date. These challenges disproportionately affected our most vulnerable Californians, such as indigent clients, people of color, immigrants, people who have multiple jobs or cannot get time off work, and single parents. SB 241, signed by Governor Newsom in 2021, had several positive impacts on this issue by allowing a party the option to appear remotely and a court to conduct civil proceedings through the use of remote technology. This resulted in reduced travel time and costs for court users, increased likelihood of court users appearing for scheduled proceedings, more precise scheduling and efficient use of time, and increased feelings of well-being and safety for certain court users.

Unfortunately, these important reforms are set to expire in July 2023, and swift action is needed to keep them. SB 21 will modernize our courts, increase access to justice and allow our courts to function more efficiently in the face of the severe backlog created by the pandemic, by extending these provisions until January 2026.

## 2. <u>The rapid adoption of remote technology after the onset of the COVID-19 pandemic</u> and the impending sunset of the provisions permitting the use of remote technology

Until the arrival of the COVID-19 pandemic, the default mode for appearing in court on a civil matter was in-person. Telephonic appearances were permitted in specified proceedings, such as law and motion hearings, but were generally prohibited in trials and other proceedings involving witnesses.<sup>2</sup>

As this Committee heard at its joint informational hearing with the Assembly Judiciary Committee on February 23, 2021, *COVID and the Courts: Assessing the Impact on Access to Justice, Identifying Best Practices, and Plotting the Path Forward*, the COVID-19 pandemic and the need to socially distance caused massive disruption to California's justice system. According to the Judicial Council, California's courts resolved nearly 1.4 million fewer cases during the first six months of the COVID-19 pandemic – a decline of 49.1 percent from the same six-month period in 2019.<sup>3</sup> The pandemic-induced slowdown disproportionately affected civil cases because constitutional speedy trial guarantees for criminal cases require courts to prioritize those matters.<sup>4</sup>

To prevent cases from grinding to a complete halt, many courts pivoted to remote proceedings, which allowed them to process cases while still complying with state and local health and safety orders. This pivot was first authorized by the Judicial Council's Emergency Rule 3, adopted on April 6, 2020.<sup>5</sup> Then, in 2021, the Legislature enacted SB

<sup>&</sup>lt;sup>2</sup> See Code Civ. Proc., § 367.5; Cal. Rules of Court, r. 3.670.

<sup>&</sup>lt;sup>3</sup> Report to the Judicial Council, *Trial Court Budget: \$50 Million COVID-19 Backlog Funding* (Jan. 12, 2021), at Attachment A.

<sup>&</sup>lt;sup>4</sup> *E.g.*, White, *What happens when COVID-19 shuts civil courts?*, Los Angeles Times (Sept. 11, 2020), *available at* <u>https://www.latimes.com/business/story/2020-09-11/covid-shuts-courts-mediation-arbitration-boom</u>. All links in this analysis are current as of March 23, 2023.

<sup>&</sup>lt;sup>5</sup> Cal. Rules of Court, Appendix I, Emergency Rule 3 [repealed]; California Courts Newsroom, Judicial Council Adopts New Rules to Lower Jail Population, Suspend Evictions and Foreclosures (Apr. 6, 2020), available

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241 (Umberg, Ch. 214, Stats. 2021), which authorized remote proceedings in civil and juvenile dependency proceedings, subject to certain technological and procedural requirements; a court may not require a party to appear remotely, so that each individual can determine whether to appear in-person or remotely based on their own assessment of the needs of the case.<sup>6</sup> The bill included a sunset provision set at July 1, 2023. Although the bill did not expressly address juvenile justice proceedings (criminal cases for minor defendants) and civil commitment proceedings, the Judicial Council voted to adopt a Rule of Court setting forth procedures for remote appearances in all civil matters, including juvenile justice and civil commitments.<sup>7</sup>

In 2022, the Legislature considered a bill that would have first removed the sunset, then extended it until January 1, 2026;<sup>8</sup> however, after the Assembly Appropriations Committee amended the bill to prohibit certain types of civil proceedings from using remote technology, the bill failed passage on the Senate Floor at the request of the author. Accordingly, unless the Legislature takes action, the statutory authorization for remote appearances in civil cases will end on July 1, 2023.<sup>9</sup>

#### 3. The successes and ongoing concerns regarding remote technology in civil cases

Since the enactment of SB 241, the Judicial Branch has issued several reports addressing the use of remote technology in civil cases. An Ad Hoc Workgroup on Post-Pandemic Initiatives (Workgroup) issued an interim report in August 2021 that addressed the courts' use of remote technology during the pandemic.<sup>10</sup> The Workgroup found that the use of remote technology in civil cases was extremely successful for case clearance rates: the clearance rate in the later stages of the pandemic, when parties had adjusted to remote proceedings, actually exceeded the pre-pandemic clearance rate.<sup>11</sup> The Workgroup also found that remote options provides court users with more options for court access and can help individuals avoid barriers to participation posed by in-person appearances, such as needing to take a whole day off of work or traveling to a courthouse.<sup>12</sup> The Workgroup recommended that the courts should expand and

*at* <u>https://newsroom.courts.ca.gov/news/judicial-council-adopts-new-rules-lower-jail-population-suspend-evictions-and-foreclosures.</u>

<sup>&</sup>lt;sup>6</sup> See Code Civ. Proc., § 367.75. The bill also authorizes a court to conduct proceedings remotely, but there is no statutory basis for forcing a party to appear remotely, even if the court is experiencing extenuating circumstances. (*Ibid.*)

<sup>&</sup>lt;sup>7</sup> See Cal. Rules of Court, r. 3.672. Juvenile justice proceedings are technically civil, but are also quasicriminal in nature because they so often involve "the possibility of a substantial loss of freedom." (*Joe Z. v. Superior Court* (1970) 3 Cal.3d 797, 801).)

<sup>&</sup>lt;sup>8</sup> See SB 848 (Umberg, 2022).

<sup>&</sup>lt;sup>9</sup> See Code Civ. Proc., § 367.75.

<sup>&</sup>lt;sup>10</sup> See Judicial Council of California, Workgroup on Post-Pandemic Initiatives, Interim Report: Remote Access to Courts (Aug. 16, 2021).

<sup>&</sup>lt;sup>11</sup> *Id.* at p. 4.

<sup>&</sup>lt;sup>12</sup> Ibid.

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maximize remote access on a permanent basis for most civil proceedings and not return to pre-pandemic levels of in-person operations.<sup>13</sup>

Pursuant to a 2021 budget bill, Judicial Council was to submit, by January 1, 2023, two reports to the Legislature and the Governor relating to remote technology in the civil trial courts.<sup>14</sup> The first report, addressing the use of remote technology in civil actions by the trial courts from March through September 2022, found that superior courts were using remote technology at varying rates; some courts reported that their monthly average of remote appearances was in the single digits, while Los Angeles County had a monthly average of over 36,000.<sup>15</sup> The report found that remote appearances were most common in family law proceedings and civil unlimited, limited, and small claims matters.<sup>16</sup> Participants in remote proceedings also reported varying rates of problems with the technology used for remote appearances (generally Zoom); the author notes that, overall, 1.8 percent of users reported an audio technical issue and .7 percent of users reported a video issue.<sup>17</sup> The report further found that while it was "impossible to isolate the impact of remote hearings on [the COVID-19 related] court backlog," the availability of remote hearings helped maintain access to justice during the pandemic.<sup>18</sup>

The second report addressed the relationship between the use of remote technology and access to justice, and sets forth recommendations from a 25-member working group regarding a statewide framework for remote civil proceedings that will ensure equal and fair access to justice.<sup>19</sup> The working group was generally in favor of continuing the use of and expanding access to remote appearances in civil cases, citing the benefits to litigants who can save time and resources by not having to appear at an in-person hearing.<sup>20</sup> Several members expressed concern about the ongoing use of remote proceedings, however, noting that remote technology makes translation and capturing a verbatim record more difficult than in-person proceedings, and that the "digital divide" prevents some litigants from taking advantage of remote appearances.<sup>21</sup>

In March 2023, this Committee held a joint hearing with the Senate Public Safety Committee, titled *The Judicial Branch: Protecting Access to Justice as the COVID-19 State of* 

<sup>14</sup> AB 177 (Assembly Committee on Budget, Ch. 257, Stats. 2021); *see* Code Civ. Proc., §§ 367.8, 367.9. <sup>15</sup> Judicial Council of California, Report on Remote Civil Proceedings (Jan. 2023), at pp. 3-4, *available at* <u>https://www.courts.ca.gov/documents/lr-2022-report-on-remote-civil-proceedings-as-required-under-code-of-civil-procedure-section-367.8.pdf</u>. Seven counties, including San Francisco, failed to provide data for the report. (*Id.* at pp. 2-4.)

<sup>&</sup>lt;sup>13</sup> *Id.* at p. 2.

<sup>&</sup>lt;sup>16</sup> *Id.* at p. 5.

<sup>&</sup>lt;sup>17</sup> *Id.* at pp. 6-7. The Los Angeles County Superior Court uses its own custom-built platform for remote appearances in most case types and reports that approximately three percent of all remote participants called their help desk, and ten percent of those calls were for technical issues. (*Id.* at p. 7.) <sup>18</sup> *Id.* at p. 11.

<sup>&</sup>lt;sup>19</sup> See Judicial Council of California, Code of Civil Procedure Section 367.9: Report to the Legislature and Governor (Jan. 1, 2023), p. 1.

<sup>&</sup>lt;sup>20</sup> *Id.* at p. 9.

<sup>&</sup>lt;sup>21</sup> *Id.* at pp. 9-10.

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*Emergency Expires,* to learn more about the status of the Judicial Branch and issues affecting the courts, including the ongoing use of remote technology in civil and criminal proceedings. The hearing provided valuable insights into what aspects of remote technology are working, where there have been problems, and what areas need improvement. The author of this bill is continuing to work with stakeholders on issues raised at the hearing, to ensure that remote technology is used equitably and effectively.

### 4. <u>This bill extends the sunset on the statute authorizing the use of remote technology</u> <u>in civil cases and makes other clarifying changes to the statute</u>

As it stands, the remote technology statute for civil cases will expire on July 1, 2023. Stakeholders report that the sudden loss of a remote option would severely impede access to justice and the courts' ability to efficiently address matters. To prevent this abrupt shift, this bill contains an urgency clause and extends the sunset on the civil remote statute to January 1, 2026.

This bill also modifies the existing civil remote statutes to reflect lessons learned since the widespread adoption of remote technology in civil cases. First, the bill exempts from the civil remote statute juvenile justice cases<sup>22</sup> and certain types of civil commitment proceedings. These case types present particular privacy and safety concerns not present in the more run-of-the-mill civil cases, and stakeholders have indicated that, while remote proceedings have been useful, greater clarity is needed on how remote technology should be used in those cases. Accordingly, the author of this bill has also authored SB 22 (Umberg, 2023), which creates a separate remote technology authorizing statute for these case types rather than grouping them together with the remainder of civil matters in the existing statute. SB 22 is pending before this Committee and is scheduled to be heard on the same date as this bill.

Next, this bill clarifies that an adoption finalization proceeding may be conducted through remote means without requiring the court to find that it is "impracticable or impossible" for a prospective adoptive parent to appear in person. This provision should resolve any confusion over the interplay between the civil remote statute and the Family Code provisions relating to when a prospective adoptive parent is unable to appear (e.g., when the prospective adoptive parent is in the military and stationed overseas).<sup>23</sup>

Finally, this bill adds a requirement that the Judicial Council annually report to the Legislature information regarding the use of remote technology in the courts, so that the Legislature is able to better assess the successes of remote technology and the areas that require improvement. Each trial court will be required to report to the Judicial Council

<sup>&</sup>lt;sup>22</sup> Juvenile justice proceedings, also known as juvenile delinquency proceedings, are technically civil but are also quasi-criminal in nature because they so often involve "the possibility of a substantial loss of freedom." (*Joe Z. v. Superior Court* (1970) 3 Cal.3d 797, 801.)

<sup>&</sup>lt;sup>23</sup> See Fam. Code, § 8613.

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information about the rates of the use of remote technology, the issues that arise, and the costs incurred for the purchase or lease of the necessary technology; the Judicial Council will then be responsible for compiling the information and presenting it in a report to the Legislature by October 1 of each year.

### 5. Arguments in support

According to California Defense Council, the California Judges Association, and Consumer Attorneys of California, the co-sponsors of the bill:

CAOC, CDC, and CJA are fully supportive of the appropriate use of remote technology in trials, evidentiary hearings and other court proceedings. In fact, the Consumer Attorneys of California and the California Defense Counsel were co-sponsors of SB 241 (Umberg-2021), which as early as March 4, 2021 proposed enhancements in the ability to conduct court proceedings remotely. We also participated in the working group established by representatives of the Governor's Office, President pro Tem of the Senate, and Speaker of the Assembly, which crafted the language ultimately incorporated into SB 241 as enacted. Once passed, we collaborated with judges, plaintiff's counsel, and defense counsel organizations throughout the state to comment and participate in the Judicial Council's rulemaking process in implementing SB 241.

SB 241 enacted Code of Civil Procedure 367.75, which as of January 1, 2022 authorized parties to appear remotely and the court to conduct conferences, hearings, proceedings, and trials in civil cases through the use of remote technology. The bill has specific protections to ensure that the court shall not require a party to appear through remote technology and also imposes on courts the duty to ensure that the technology in the courtroom enables all parties to fully participate in the proceeding. As an added protection, self-represented parties may appear remotely only if they choose to do so. This legislation was given a short sunset and is set to expire July 1, 2023, unless extended or deleted...

Without an amendment to remove the sunset, next July the courts will be shifted back to March of 2020, before the courts were able to pivot to remote hearings and hybrid trials. The benefits have been widespread. Housing advocates and legal aid can help more individuals in need of representation through remote access, individuals seeking justice for domestic violence and child abuse cases may not have to face their abuser in person, and others can fight for justice even while courtrooms are fully or partially closed.

Without remote court access working parents and children will be forced to continue taking time off of work and school to spend a full day in court instead of a fraction of their time attending remotely. Elderly individuals will not be able to attend their court proceedings as in person requirements would force them to choose between safety or justice. Civil plaintiffs struggle without access to the recovery they need to pay for medical treatment, or otherwise recover their lost wages or damages, and defendants are unable to resolve claims against them.

#### **SUPPORT**

California Defense Council (co-sponsor) California Judges Association (co-sponsor) Consumer Attorneys of California (co-sponsor) Alliance for Children's Rights California Lawyers Association California Rural Legal Assistance Foundation Children's Law Center of California Judicial Council of California Superior Court of California, County of Los Angeles

#### **OPPOSITION**

One individual

## **RELATED LEGISLATION**

Pending Legislation:

SB 22 (Umberg, 2023) creates a separate statute for the use of remote technology in juvenile justice and specified civil commitment proceedings, which would sunset on January 1, 2023, and extends the sunset on the statutes authorizing the use of remote technology in criminal matters from January 1, 2024, to January 1, 2028. This bill is pending before this Committee and is scheduled to be heard on the same date as this bill.

SB 97 (Wiener, 2023) among other things, authorizes a petitioner in a habeas corpus case to elect to appear, and for the court to conduct the review hearing, through remote technological means, unless counsel indicates that an in-person appearance is necessary. SB 97 is pending before the Senate Public Safety Committee.

AB 1214 (Maienschein, 2023) among other things, prohibits a trial court from retaliating or threatening to retaliate against an official reporter or official reporter pro tempore who notifies the judicial officer that technology or audibility issues are impeding the creation of the verbatim records of a proceeding that includes participation through remote technology. AB 1214 is pending before the Assembly Public Safety Committee.

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#### Prior Legislation:

SB 848 (Umberg, 2022) in its final form would have extended the remote proceedings sunset until January 1, 2026; the bill also would have prohibited remote proceedings in certain types of proceedings as a result of amendments added in the Assembly Appropriations Committee. SB 848 was voted down on the Senate Floor with a vote of 0-38 at the request of the author.

SB 538 (Susan Rubio, Ch. 686, Stats. 2021) authorized a party or witness to appear remotely at the hearing on a petition for a domestic or gun violence restraining order.

SB 241 (Umberg, Ch. 214, Stats. 2021) titled the 2021 Court Efficiency Act, among other things, authorized specified remote appearances in specified civil court proceedings, set to sunset on July 1, 2023, and added arbitrations to the statute requiring discovery deadlines to be extended when a trial date is continued.

AB 177 (Assembly Committee on Budget, Ch. 257, Stats. 2021) among other things, required the Judicial Council of California to convene a working group for the purpose for recommending a statewide framework for remote civil court proceedings that addresses equal and fair access to justice, to be submitted no later than January 1, 2023.

SB 467 (Wilk, 2017) would have extended the existing civil Court Call framework to appearances via video teleconferencing and other remote electronic means. SB 467 died in the Assembly Judiciary Committee.

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