

An act to add Section 367.76 to the Code of Civil Procedure, relating to courts, and declaring the urgency thereof, to take effect immediately.

SECURED
COPY



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 367.76 is added to the Code of Civil Procedure, to read:

367.76. (a) Except as provided in subdivisions (b) and (d), a party may appear remotely and the court may conduct conferences, hearings, and proceedings, in whole or in part, through the use of remote technology when a party has provided notice to the court and all other parties that it intends to appear remotely in any of the following types of proceedings:

(1) A juvenile court proceeding occurring pursuant to Section 601 or 602 of the Welfare and Institutions Code.

(2) An extension of juvenile commitment pursuant to Section 1800 of the Welfare and Institutions Code.

(3) A proceeding involving a commitment type identified pursuant to Section 4355 of Title 9 of the California Code of Regulations or any successor regulation.

(4) A proceeding related to an intellectually disabled and dangerous commitment authorized pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(b) Except as otherwise provided by law, the court may require a party or witness to appear in person at a conference, hearing, or proceeding described in subdivision (a), or under subdivisions (e) and (h), if any of the following conditions are present:

(1) The court with jurisdiction over the case does not have the technology necessary to conduct the conference, hearing, or proceeding remotely.

(2) Although the court has the requisite technology, the quality of the technology or audibility at a conference, hearing, or proceeding prevents the effective management or resolution of the conference, hearing, or proceeding.

(3) The court determines on a hearing-by-hearing basis that an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

(4) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits the court reporter's ability to accurately prepare a transcript of the conference, hearing, or proceeding.

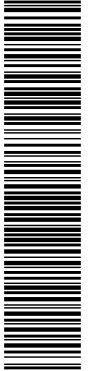
(5) The quality of the technology or audibility at a conference, hearing, or proceeding prevents an attorney from being able to provide effective representation to the attorney's client.

(6) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual.

(c) Notwithstanding paragraph (3) of subdivision (b), an expert witness may appear remotely absent good cause to compel in-person testimony.

(d) (1) Except as otherwise provided by law and subject to the limitations of subdivision (b), upon its own motion or the motion of any party, the court may conduct a trial or evidentiary hearing, in whole or in part, through the use of remote technology, absent a showing by the opposing party as to why a remote appearance or testimony should not be allowed.

(2) (A) Except as provided in Section 269 of the Code of Civil Procedure and Section 69957 of the Government Code, if the court conducts a trial, in whole or in



part, through the use of remote technology, the official reporter or official reporter pro tempore shall be physically present in the courtroom.

(B) If the court conducts a trial, in whole or in part, through the use of remote technology, upon request, the court interpreter shall be physically present in the courtroom.

(e) (1) Before the court with jurisdiction over the case may proceed with a remote conference, hearing, proceeding, or trial, the court shall have a process for a party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the conference, hearing, proceeding, or trial.

(2) The court shall require that a remote appearance by a party or witness have the necessary privacy and security appropriate for the conference, hearing, proceeding, or trial.

(3) The court shall inform all parties, particularly parties without legal representation, about the potential technological or audibility issues that could arise when using remote technology, which may require a delay of or halt the conference, hearing, proceeding, or trial. The court shall make information available to self-represented parties regarding the options for appearing in person and through the use of remote technology.

(f) The court shall not require a party to appear through the use of remote technology. If the court permits an appearance through remote technology, the court shall ensure that technology in the courtroom enables all parties, whether appearing remotely or in person, to fully participate in the conference, hearing, or proceeding.

(g) A self-represented party may appear remotely in a conference, hearing, or proceeding conducted through the use of remote technology only if they agree to do so.

(h) Any juvenile dependency proceeding may be conducted in whole or in part through the use of remote technology subject to the following:

(1) Any person authorized to be present may request to appear remotely.

(2) Any party to the proceeding may request that the court compel the physical presence of a witness or party. A witness, including a party providing testimony, may appear through remote technology only with the consent of all parties and if the witness has access to the appropriate technology.

(3) A court shall not require a party to appear through the use of remote technology.

(4) The confidentiality requirements that apply to an in-person juvenile dependency proceeding apply to a juvenile dependency proceeding conducted through the use of remote technology.

(i) For purposes of this section, a party includes a nonparty subject to Chapter 6 of Title 4 of Part 4 (commencing with Section 2020.010).

(j) Subject to the limitations in subdivision (b), this section is not intended to prohibit the use of appearances through the use of remote technology when stipulated by attorneys for represented parties.

(k) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules to implement the policies and provisions in this section to promote statewide consistency, including, but not limited to, the following procedures:



(1) A deadline by which a party must notify the court and the other parties of their request to appear remotely.

(2) Procedures and standards for a judicial officer to determine when a conference, hearing, or proceeding may be conducted through the use of remote technology. The procedures and standards shall require that a judicial officer give consideration to the limited access to technology or transportation that a party or witness might have.

(l) Each superior court shall report to the Judicial Council on or before October 1, 2023, and annually thereafter, and the Judicial Council shall report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting civil remote proceedings and all purchases and leases of technology or equipment to facilitate civil remote conferences, hearings, or proceedings, specifying all of the following for each annual reporting period:

(1) The number of civil proceedings conducted with the use of remote technology.

(2) Any superior court in which technology issues or problems occurred.

(3) The superior courts in which remote technology was used.

(4) The types of civil trial court conferences, hearings, or proceedings in which remote technology was used.

(5) The cost of purchasing, leasing, or upgrading remote technology.

(6) The type of technology and equipment purchased or leased.

(m) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure courts can continue to conduct conferences, hearings, proceedings, and trials in civil cases using remote technology, it is necessary that this act take effect immediately.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Courts: remote proceedings.

Existing law authorizes, until July 1, 2023, a party to appear remotely and a court to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology.

This bill would authorize, until January 1, 2026, a party to appear remotely and a court to conduct conferences, hearings, proceedings, and trials in specific types of proceedings, including, among others, a juvenile court proceeding and an extension of a juvenile commitment, in whole or in part, through the use of remote technology. The bill would authorize the court to require a party or witness to appear in person at a conference, hearing, or proceeding, if any specified condition is present. The bill would require the court to have a process for a party, court reporter, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues. The bill would prohibit a court from requiring a party to appear remotely. The bill would allow self-represented parties to appear remotely only if they agree to do so. The bill would require the Judicial Council to adopt rules to implement these provisions, as specified. The bill would also require each superior court to report to the Judicial Council on or before October 1, 2023, and annually thereafter, and would require the Judicial Council to report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting civil remote proceedings and purchases and leases of technology and equipment to facilitate civil remote conferences, hearings, or proceedings.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

