

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 0 - 1

Yeas: Kruse, Prozanski, Walker, Burdick

Nays: 0

Exc.: Beyer

Prepared By: Darian Stanford, Counsel

Meeting Dates: 2/15, 3/21

WHAT THE MEASURE DOES: Allows parties in circuit court proceedings to arrange for stenographic reporting. Provides that such stenographic recording becomes official court record if all parties agree. Requires that costs of stenographic reporting be paid by party requesting stenographic reporting alone or, if other party(ies) agrees to share costs, by other party(ies).

ISSUES DISCUSSED:

- Benefits of stenographic reporting

EFFECT OF COMMITTEE AMENDMENT: Clarifies that stenographic reporting may be utilized in any circuit court proceeding in which the court regularly uses audio recording or video recording. Adds requirement that party arranging for stenographic reporting must provide court with name, address and phone number of reporter Adds requirement that party must pay costs of providing copies of transcript to court.

BACKGROUND: ORS 8.340 discusses court reporters. In relevant part, the court reporter is an officer of the court that keeps the official record or transcript of the relevant proceedings. Presently, there are two acceptable methods for this recording: (1) accurate notes via shorthand or by a mechanical or typing device (stenograph); or (2) audio recording. Where a court elects to record primarily via audio, present law allows any party to arrange for stenographic reporting if the party pays for it (this option is specifically not available in Malheur, Union and Wallowa counties). However, the audio reporting remains the official record of the proceeding.

SB 292 modifies these rules. First, if all parties to the proceeding consent, the stenographic reporting becomes the official court record, but *only* for purposes of a transcript on appeal. For other purposes, the audio recording would be utilized. Second, SB 292 requires that any stenographic reporter have proper certification. Third, if the parties consent, they can share the costs of stenographic reporting. Finally, Malheur, Union and Wallowa counties are no longer excluded.