

A-Engrossed
Senate Bill 292

Ordered by the Senate April 2
Including Senate Amendments dated April 2

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Clarifies that in circuit court proceedings in which audio reporting is used, any party to proceedings may arrange for stenographic reporting of proceedings. Specifies that stenographic reporting by reporter arranged for by party is official record if all parties agree. Provides that party arranging for reporting of proceedings by stenographic means must pay costs of reporter **and costs of providing copies of transcript to court** unless other parties agree to pay all or part of those costs.

A BILL FOR AN ACT

1
2 Relating to court reporting; creating new provisions; and amending ORS 8.340.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 8.340 is amended to read:

5 8.340. (1) It [*shall be*] **is** the duty of each official reporter of the circuit court, justice court or
6 municipal court to attend the court for which the reporter is appointed at such times as the judge
7 or justice of the peace may direct.

8 (2) A circuit court reporter shall be appointed under a personnel plan established by the Chief
9 Justice of the Supreme Court. Reporters for a justice or municipal court are not subject to this
10 subsection.

11 (3) A reporter is an officer of the court in which the reporter serves and of any court to which
12 an appeal is made whenever the reporter has recorded the proceedings that are the subject of the
13 appeal.

14 (4) Upon the trial or hearing of any cause, the judge or justice of the peace upon the motion
15 of the judge or justice of the peace may, and upon the request of either party shall, order a report
16 of the proceedings[, *in which case*]. The reporter shall, in the manner provided in subsection (5) of
17 this section, make a report of the oral testimony and other proceedings of the trial or hearing to
18 the extent required by the court or by the requesting party.

19 (5) When a report is required, the reporter shall:

20 (a) Take accurate notes by shorthand or by means of a mechanical or electronic typing device;
21 or

22 (b) Make audio records pursuant to policies and procedures established by the State Court Ad-
23 ministrators.

24 (6) The notes or audio records of the [*reporter*] **official reporter or a reporter providing ser-**
25 **vices under subsection (7) of this section** shall be filed in the office of the clerk of the court

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 subject to the provisions of ORS 7.120 and except as provided in ORS 19.385.

2 [(7) *Except in the ninth or tenth judicial district, in any circuit court proceeding where the trial*
3 *court regularly uses audio reporting techniques, any party may, with reasonable notice to the trial court*
4 *and at that party's expense, arrange for the reporting of the proceeding by stenographic means.*]

5 **(7)(a) In any circuit court proceeding in which the court uses audio recording or video**
6 **recording, any party may, with reasonable notice to the trial court, arrange for the reporting**
7 **of the proceeding by stenographic means. A reporter providing stenographic reporting ser-**
8 **VICES under this paragraph shall be certified in shorthand reporting under ORS 8.415 to 8.455**
9 **or by a nationally recognized certification program. The party arranging for reporting of the**
10 **proceeding by stenographic means must provide the court with the name of the reporter and**
11 **an address and telephone number where the reporter may be contacted.**

12 **(b) If all parties to the proceedings agree, the stenographic reporting of the proceedings**
13 **by a reporter arranged for by a party may be used by the parties during the proceedings.**

14 **(c) [When alternative stenographic reporting occurs] If all parties to the proceedings agree,**
15 **the stenographic reporting of the proceedings by a reporter arranged for by a party is the**
16 **official record of the proceedings for the purpose of a transcript on appeal. For all other**
17 **purposes, the official record of the proceedings shall be the record produced by the reporting**
18 **technique [regularly] used by the court, unless otherwise ordered by the court.**

19 **(d) Unless other parties agree to pay all or part of the cost of the reporter, the party**
20 **arranging for the reporting of the proceeding by stenographic means under this subsection**
21 **must pay all costs of the reporter and the cost of providing copies of the transcript to the**
22 **court.**

23 **SECTION 2. The amendments to ORS 8.340 by section 1 of this 2007 Act apply only to**
24 **court proceedings conducted on or after the effective date of this 2007 Act.**