

**A-Engrossed**  
**Senate Bill 445**

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

Sponsored by COMMITTEE ON JUDICIARY

**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.

Requires judge to appoint stenographic reporter for proceedings in aggravated murder trials.  
Requires that record of proceedings in aggravated murder trials be made by means of mechanical or electronic typing device.  
Requires office of State Court Administrator to pay costs of stenographic reporting services.  
**Declares emergency, effective October 1, 2007.**

**A BILL FOR AN ACT**

1  
2 Relating to criminal procedure; amending ORS 8.340; and declaring an emergency.

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 the duty of each official reporter of the circuit court, justice court or mu-  
6 nicipal court to attend the court for which the reporter is appointed at such times as the judge or  
7 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)] (6)  
17 of 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)(a) Notwithstanding subsection (4) of this section, in a trial or hearing involving a**  
20 **charge of aggravated murder as defined in ORS 163.095, the judge shall appoint a steno-**  
21 **graphic reporter in accordance with policies and procedures established by the State Court**  
22 **Administrator relating to the types of proceedings that are to be recorded using a steno-**  
23 **graphic reporter and other matters pertaining to the use of stenographic reporting in a trial**  
24 **or hearing involving a charge of aggravated murder. The reporter shall make a record of the**  
25 **oral testimony and other proceedings of the trial or hearing by means of a mechanical or**  
26 **electronic typing device. A record made under this subsection is the official record of the**

**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 **proceedings.**

2 **(b) The office of the State Court Administrator shall pay the costs of the stenographic**  
3 **reporting services required by paragraph (a) of this subsection.**

4 **(c) Unless a reporter appointed under subsection (2) of this section is available to make**  
5 **a stenographic record of a trial or hearing, the State Court Administrator shall select**  
6 **stenographic reporting services as provided in paragraph (a) of this subsection.**

7 **(d) A reporter providing stenographic reporting services under paragraph (a) of this**  
8 **subsection shall be certified in shorthand reporting under ORS 8.415 to 8.455 or by a na-**  
9 **tionally recognized certification program.**

10 **[(5)] (6) Except as provided in subsection (5) of this section,** when a report is required, the  
11 reporter shall:

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

14 (b) Make audio records pursuant to policies and procedures established by the State Court Ad-  
15 ministrator.

16 **[(6)] (7) The notes or audio records of the reporter shall be filed in the office of the clerk of the**  
17 **court subject to the provisions of ORS 7.120 and except as provided in ORS 19.385.**

18 **[(7)] (8) Except in the ninth or tenth judicial district, in any circuit court proceeding where the**  
19 **trial court regularly uses audio reporting techniques, any party may, with reasonable notice to the**  
20 **trial court and at that party's expense, arrange for the reporting of the proceeding by stenographic**  
21 **means. When alternative stenographic reporting occurs, the official record of the proceedings shall**  
22 **be the record produced by the reporting technique regularly used by the court, unless otherwise**  
23 **ordered by the court.**

24 **SECTION 2. This 2007 Act being necessary for the immediate preservation of the public**  
25 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
26 **October 1, 2007.**