

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference |
| <b>Vote:</b>          | 8 - 1 - 1   |
| <b>Yeas:</b>          | Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger   |
| <b>Nays:</b>          | Hicks   |
| <b>Exc.:</b>          | Garrett   |
| <b>Prepared By:</b>   | Aaron Knott, Counsel  |
| <b>Meeting Dates:</b> | 4/28, 5/31  |

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**WHAT THE MEASURE DOES:** Requires the judge to appoint a certified shorthand reporter for proceedings in aggravated murder trials. Costs to be paid by the office of the State Court Administrator.

**ISSUES DISCUSSED:**

- Available methods of recording and transcribing court proceedings
- Problems with digital recording and the loss of content in transcription
- Transcription delays
- Importance of accuracy in aggravated murder proceedings

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the measure.

**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 proceedings. Currently, 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. The choice of which method to utilize and the details of how the method is implemented are left to the individual court within the framework of policies and procedures promulgated by the State Court Administrator. Senate Bill 409 A requires a judge to appoint a certified shorthand reporter in all proceedings involving a charge of aggravated murder. This individual shall make a record of the proceedings using the reporting method for which he or she is certified. If a certified shorthand reporter is not available, the court shall provide for an appropriate alternative method for preserving the proceedings. Senate Bill 409 A defines “certified shorthand reporter” as an individual who has been certified to practice stenographic or voice-writing reporting methods. Voice-writing methods are the making and transcribing of a verbatim record by recording the words in the proceeding using a voice silencer or using a speech-recognition computer-assisted transcription program.

Proponents of the bill argue that the differentiation across counties in both the qualities and format of audio recording equipment can lead to transcription errors and content loss, and that transcripts are generated as a matter of course in many aggravated murder trials because they are subject to automatic appeal as capital cases (see Or. R. App. P. 12.12) which would mitigate the additional cost of appointing a stenographer in lieu of a transcriber of the audio record.