

A-Engrossed
Senate Bill 409

Ordered by the House June 8
Including House Amendments dated June 8

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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.

Requires judge to appoint [*stenographic*] **certified shorthand** 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*] **shorthand** reporting services.

Defines "voice-writing reporting" and specifies that shorthand reporter may be certified to perform stenographic reporting, voice-writing reporting or both.

Repeals provision establishing speed requirements for shorthand reporting.

A BILL FOR AN ACT

1
2 Relating to criminal procedure; amending ORS 8.340, 8.415 and 8.420; and repealing ORS 8.430.

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 is the duty of each official reporter of the circuit court, justice court or municipal
6 court to attend the court for which the reporter is appointed at such times as the judge or justice
7 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. The reporter shall, in the manner provided in subsection [(5)] (6) of this section,
17 make a report of the oral testimony and other proceedings of the trial or hearing to the extent re-
18 quired 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 certified**
21 **shorthand 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 shorthand**
23 **reporter and other matters pertaining to the use of shorthand reporting in a trial or hearing**

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 involving a charge of aggravated murder. The reporter shall make a record of the oral tes-
2 timony and other proceedings of the trial or hearing using the reporting method for which
3 the reporter is certified. A record made under this subsection is the official record of the
4 proceedings.

5 (b) A shorthand reporter providing services under paragraph (a) of this subsection must
6 be certified under ORS 8.415 to 8.455 or by a nationally recognized certification program.

7 (c) If a certified shorthand reporter is not available for appointment under this sub-
8 section, or a reporter appointed under this subsection is not available at any time during the
9 trial or hearing, the court shall provide for an appropriate alternative method for preserving
10 an accurate official record of the proceeding and the preparation of a transcript, if neces-
11 sary.

12 (d) The office of the State Court Administrator shall pay the costs of shorthand reporting
13 services required by paragraph (a) of this subsection.

14 [(5)] (6) Except as provided in subsection (5) of this section, when a report is required, the
15 reporter shall:

16 (a) Take accurate notes [*by shorthand or by means of a mechanical or electronic typing device*]
17 using the reporting method for which the reporter is certified; or

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

20 [(6)] (7) The notes or audio records of the official reporter or a reporter providing services under
21 subsection [(7)] (8) of this section shall be filed in the office of the clerk of the court subject to the
22 provisions of ORS 7.120 and except as provided in ORS 19.385.

23 [(7)(a)] (8)(a) In any circuit court proceeding in which the court uses audio recording or video
24 recording, any party may, with reasonable notice to the trial court, arrange for the reporting of the
25 proceeding by [*stenographic means*] a **shorthand reporter**. A reporter providing [*stenographic re-*
26 *porting*] services under this paragraph shall be certified in shorthand reporting under ORS 8.415 to
27 8.455 or by a nationally recognized certification program. The party arranging for reporting of the
28 proceeding [*by stenographic means*] must provide the court with the name of the reporter and an
29 address and telephone number where the reporter may be contacted.

30 (b) If all parties to the proceedings agree, the [*stenographic*] **shorthand** reporting of the pro-
31 ceedings by a reporter arranged for by a party may be used by the parties during the proceedings.

32 (c) If all parties to the proceedings agree, the [*stenographic*] **shorthand** reporting of the pro-
33 ceedings by a reporter arranged for by a party is the official record of the proceedings for the
34 purpose of a transcript on appeal. For all other purposes, the official record of the proceedings shall
35 be the record produced by the reporting [*technique*] **method** used by the court, unless otherwise
36 ordered by the court.

37 (d) Unless other parties agree to pay all or part of the cost of the reporter, the party arranging
38 for the reporting of the proceeding by [*stenographic means*] a **shorthand reporter** under this sub-
39 section must pay all costs of the reporter and the cost of providing copies of the transcript to the
40 court.

41 **SECTION 2.** ORS 8.415 is amended to read:

42 8.415. As used in ORS 8.415 to 8.455, unless the context requires otherwise:

43 (1) "Administrator" means the State Court Administrator.

44 (2) "Advisory committee" means the Certified Shorthand Reporters Advisory Committee created
45 in ORS 8.455.

1 (3) "Certified shorthand reporter" means an individual who has been certified to engage in the
2 practice of [*shorthand*] **stenographic or voice-writing** reporting under ORS 8.415 to 8.455.

3 (4) "[*Shorthand*] **Stenographic** reporting" means the making and transcribing of a verbatim re-
4 cord of any court proceeding, deposition, hearing or other [*matter where the verbatim record is re-*
5 *quired or requested by any court, grand jury, attorney or referee to be made*] **proceeding** by means
6 of a written system of either manual or machine shorthand procedures.

7 (5) "**Voice-writing reporting**" means the making and transcribing of a verbatim record
8 of any court proceeding, deposition, hearing or other proceeding by:

9 (a) **Recording the words in the proceeding using a voice silencer for subsequent tran-**
10 **scription; or**

11 (b) **Using a speech-recognition computer-assisted transcription program.**

12 **SECTION 3.** ORS 8.420 is amended to read:

13 8.420. (1) The State Court Administrator shall verify the qualifications of shorthand reporters
14 to be certified and shall issue the certificate of shorthand reporter to qualified applicants. **A**
15 **shorthand reporter may be certified to perform stenographic reporting, voice-writing re-**
16 **porting or both.**

17 (2) The administrator shall adopt policies necessary to administer ORS 8.415 to 8.455 and may
18 appoint any committees necessary to function in accordance with ORS 8.415 to 8.455.

19 (3) The administrator shall:

20 (a) Adopt policies establishing the qualifications necessary for the issuance of a certificate of
21 certified shorthand reporter;

22 (b) Determine the qualifications of persons applying for certificates under ORS 8.415 to 8.455;

23 (c) Adopt policies for the examination of applicants and the issuing of certificates under ORS
24 8.415 to 8.455;

25 (d) Grant certificates to qualified applicants upon compliance with ORS 8.415 to 8.455 and poli-
26 cies of the administrator;

27 (e) Establish continuing education requirements for biennial renewal of certificates;

28 (f) Collect fees as set by the administrator;

29 (g) Require the biennial renewal of all certificates;

30 (h) Establish a code of conduct and grounds for disciplinary action; and

31 (i) Investigate complaints regarding court reporters.

32 (4) The Certified Shorthand Reporters Advisory Committee shall recommend:

33 (a) Standards establishing the qualifications necessary for the issuance of a certificate of certi-
34 fied shorthand reporter;

35 (b) Qualifications required of persons applying for certificates under ORS 8.415 to 8.455;

36 (c) Procedures for the examination of applicants and the issuing of certificates under ORS 8.415
37 to 8.455;

38 (d) Certificates be granted by the administrator to qualified applicants upon compliance with
39 ORS 8.415 to 8.455 and policies of the administrator;

40 (e) Continuing education requirements for biennial renewal of certificates;

41 (f) A code of conduct and grounds for suspension or revocation of certificates or other discipli-
42 nary action to the administrator;

43 (g) Investigation of complaints regarding court reporters at the direction of the administrator;
44 and

45 (h) Any corrective action that may be required.

1 **SECTION 4. ORS 8.430 is repealed.**

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