

Senate Bill 409

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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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to criminal procedure; 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 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 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**
27 **proceedings.**

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

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

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

7 [(5)] (6) Except as provided in subsection (5) of this section, when a report is required, the
 8 reporter shall:

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

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

13 [(6)] (7) The notes or audio records of the official reporter or a reporter providing services under
 14 subsection [(7)] (8) of this section shall be filed in the office of the clerk of the court subject to the
 15 provisions of ORS 7.120 and except as provided in ORS 19.385.

16 [(7)(a)] (8)(a) In any circuit court proceeding in which the court uses audio recording or video
 17 recording, any party may, with reasonable notice to the trial court, arrange for the reporting of the
 18 proceeding by stenographic means. A reporter providing stenographic reporting services under this
 19 paragraph shall be certified in shorthand reporting under ORS 8.415 to 8.455 or by a nationally re-
 20 cognized certification program. The party arranging for reporting of the proceeding by stenographic
 21 means must provide the court with the name of the reporter and an address and telephone number
 22 where the reporter may be contacted.

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

25 (c) If all parties to the proceedings agree, the stenographic reporting of the proceedings by a
 26 reporter arranged for by a party is the official record of the proceedings for the purpose of a tran-
 27 script on appeal. For all other purposes, the official record of the proceedings shall be the record
 28 produced by the reporting technique used by the court, unless otherwise ordered by the court.

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

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