

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 635

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: John Terpening
Reviewed by: Steve Bender
Date: 3-27-2013

Measure Description:

Requires judge to appoint certified shorthand reporter for aggravated murder proceedings.

Government Unit(s) Affected:

Judicial Department

Summary of Expenditure Impact:

Agency – Fund Type	2013-2015	2015-2017
Judicial Department – General Fund	\$229,604	\$287,076

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure requires the judge to appoint a certified shorthand reporter to make the record of oral testimony in any trial involving a charge of aggravated murder or other proceedings involving the charge of aggravated murder as determined by the State Court Administrator. The measure requires the State Court Administrator to pay for the costs of the reporting services and the appointed reporter's record then becomes the official record of the proceedings. Additionally the measure makes changes to the current statutes regarding the certification of court reporters, either stenographic or voice-writing.

Based on a review of case data for 2010 and 2011, the Oregon Judicial Department (OJD) assumes 15 to 17 trial cases on aggravated murder per biennium (both capital and noncapital cases). Additionally, OJD assumes 20 to 30 contested hearings, where the case is either settled before trial or where the aggravated murder charge is dropped or reduced before trial commences. The cost estimate in the above table reflects the higher-end numbers of trial cases and contested hearings in the above ranges. OJD notes that costs can vary depending on the location of the proceedings and the number of days for the trial or hearings.

Also included in the cost estimates are one-time costs associated with establishing policies and procedures for the use of the reporting services as required by the measure and payment of a cancellation fee to court reporters when cases are cancelled with only 24 or 48 hours of notice.

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass and Be Referred to the Committee on Ways and Means

Vote: 5 - 0 - 0

Yeas: Close, Dingfelder, Kruse, Roblan, Prozanski

Nays: 0

Exc.: 0

Prepared By: Anna Braun, Counsel

Meeting Dates: 3/7, 4/15

WHAT THE MEASURE DOES: Requires use of certified shorthand reporter or other accurate method for creating a transcript in aggravated murder proceedings. Requires State Court Administrator to pay the costs of providing service and authorizes State Court Administrator to establish policies and procedures. Adds voicewriter to the definition of certified shorthand reporter.

ISSUES DISCUSSED:

- Voice writing reporters
- Transcript problems in Guzek case
- Importance of a live person

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Aggravated murder is defined in ORS 163.095 is murder accompanied by another circumstance like receiving money to commit murder, one or more murder victims in the same episode or murdering someone under 14 years old or a police officer or other public officer. The punishment for aggravated murder is the death penalty or life imprisonment. Senate Bill 635 requires that a certified shorthand reporter be used for making an official record of the proceedings.