

Senate Bill 635

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 **as introduced**.

Requires judge to appoint certified shorthand reporter for aggravated murder proceedings. Authorizes State Court Administrator to establish policies for use of reporters.
Authorizes appointment of stenographic reporter or voice-writing reporter.
Repeals provision establishing speed requirements for shorthand reporting.

A BILL FOR AN ACT

1
2 Relating to court reporting; amending ORS 8.340, 8.415, 8.420, 8.440 and 8.455; and repealing ORS
3 8.430.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 8.340 is amended to read:

6 8.340. (1) It is the duty of each official reporter of the circuit court, justice court or municipal
7 court to attend the court for which the reporter is appointed at such times as the judge or justice
8 of the peace may direct.

9 (2) A circuit court reporter shall be appointed under a personnel plan established by the Chief
10 Justice of the Supreme Court. Reporters for a justice or municipal court are not subject to this
11 subsection.

12 (3) A reporter is an officer of the court in which the reporter serves and of any court to which
13 an appeal is made whenever the reporter has recorded the proceedings that are the subject of the
14 appeal.

15 (4) Upon the trial or hearing of any cause, the judge or justice of the peace upon the motion
16 of the judge or justice of the peace may, and upon the request of either party shall, order a report
17 of the proceedings. The reporter shall, in the manner provided in subsection [(5)] (6) of this section,
18 make a report of the oral testimony and other proceedings of the trial or hearing to the extent re-
19 quired by the court or by the requesting party.

20 (5)(a) **Notwithstanding subsection (4) of this section, the judge shall appoint a certified**
21 **shorthand reporter for any trial involving a charge of aggravated murder, as defined in ORS**
22 **163.095, and for any other proceeding involving a charge of aggravated murder as designated**
23 **by the State Court Administrator. The State Court Administrator may establish policies and**
24 **procedures for the use of certified shorthand reporters in trials and other proceedings in-**
25 **volving a charge of aggravated murder, including designating the types of proceedings for**
26 **which a reporter will be used. The reporter shall make a record of the oral testimony and**
27 **other proceedings of the trial or hearing using the reporting method for which the reporter**
28 **is certified. A record made under this subsection is the official record of the proceedings.**

29 (b) **A reporter providing services under paragraph (a) of this subsection must be certified**
30 **in stenographic or voice-writing reporting under ORS 8.415 to 8.455 or by a nationally re-**

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 **cognized certification program.**

2 (c) **If a certified shorthand reporter is not available for appointment under this sub-**
 3 **section, or if a reporter appointed under this subsection is not available at any time during**
 4 **the trial or hearing, the court shall provide for an appropriate alternative method for pre-**
 5 **servicing an accurate official record of the proceedings and the preparation of a transcript, if**
 6 **necessary.**

7 (d) **The office of the State Court Administrator shall pay the costs of reporting services**
 8 **required by paragraph (a) of this subsection.**

9 [(5)] (6) **Except as provided in subsection (5) of this section,** when a report is required, the
 10 reporter shall:

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

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

15 [(6)] (7) The notes or audio records of the official reporter or a reporter providing services under
 16 [*subsection (7)*] **subsections (5) and (8)** of this section 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)(a)] (8)(a) In any circuit court proceeding in which the court uses audio recording or video
 19 recording, any party may, with reasonable notice to the trial court, arrange for the reporting of the
 20 proceeding by [*stenographic means. A reporter providing stenographic reporting services under this*
 21 *paragraph shall be*] **a reporter** certified in [*shorthand*] **stenographic or voice-writing** reporting
 22 under ORS 8.415 to 8.455 or by a nationally recognized certification program. The party arranging
 23 for reporting of the proceeding by [*stenographic means*] **a certified shorthand reporter** must pro-
 24 vide the court with the name of the reporter and an address and telephone number where the re-
 25 porter may be contacted.

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

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

34 (d) Unless other parties agree to pay all or part of the cost of the reporter, the party arranging
 35 for the reporting of the [*proceeding by stenographic means*] **proceedings by a certified shorthand**
 36 **reporter** under this subsection must pay all costs of the reporter and the cost of providing copies
 37 of the transcript to the court.

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

39 8.415. As used in ORS 8.415 to 8.455, unless the context requires otherwise:

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

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

43 (3) "Certified shorthand reporter" means an individual who has been certified to engage in the
 44 practice of [*shorthand*] **stenographic or voice-writing** reporting under ORS 8.415 to 8.455 **or by a**
 45 **nationally recognized certification program.**

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

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

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

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

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

11 8.420. (1) The State Court Administrator shall verify the qualifications of shorthand reporters
 12 to be certified and shall issue the certificate of shorthand reporter to qualified applicants. **A**
 13 **shorthand reporter may be certified to perform stenographic reporting, voice-writing re-**
 14 **porting or both.**

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

17 (3) The administrator shall:

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

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

21 (c) Adopt policies for the examination of applicants and the issuing of certificates under ORS
 22 8.415 to 8.455;

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

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

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

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

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

29 (i) Investigate complaints regarding court reporters.

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

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

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

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

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

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

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

41 (g) Investigation of complaints regarding court reporters at the direction of the administrator;
 42 and

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

44 **SECTION 4.** ORS 8.440 is amended to read:

45 8.440. (1) The State Court Administrator may:

1 (a) Revoke, suspend or refuse to issue any certificate described in ORS 8.415 to 8.455 or policies
2 of the administrator.

3 (b) Require additional education or training.

4 (2) The administrator may revoke, suspend or refuse to issue any certificate described in ORS
5 8.415 to 8.455 or policies of the administrator in the case of a violation of any provision of ORS 8.415
6 to 8.455 or policies of the administrator.

7 (3) The administrator may require additional education or training if the administrator finds the
8 person engages in or has engaged in conduct that evidences a lack of knowledge or ability to apply
9 skills of [*shorthand*] **stenographic or voice-writing** reporting.

10 **SECTION 5.** ORS 8.455 is amended to read:

11 8.455. (1) There is created a Certified Shorthand Reporters Advisory Committee consisting of
12 seven members appointed by the State Court Administrator as follows:

13 (a) Four members of the advisory committee shall be persons skilled in the practice of [*short-*
14 *hand*] **stenographic or voice-writing** reporting and shall have been engaged continuously in the
15 practice of [*shorthand*] **stenographic or voice-writing** reporting for a period of not less than five
16 years prior to the date of appointment as a member of the advisory committee. Appointees shall
17 be certified under ORS 8.415 to 8.455. Of the **certified** shorthand reporter members, two shall be
18 official reporters and two shall be free-lance reporters;

19 (b) Two members of the advisory committee shall be members of the Oregon State Bar; and

20 (c) One member of the advisory committee shall be a public member and not be a reporter or
21 a member of the Oregon State Bar or related thereto. The public member is entitled to compensation
22 and expenses as provided in ORS 292.495.

23 (2) The term of a member of the advisory committee shall be three years. A member is eligible
24 for reappointment to the advisory committee. Vacancies occurring shall be filled by appointment for
25 the unexpired term.

26 (3) The advisory committee shall organize by the election of one of its members as president and
27 one as secretary.

28 (4) A majority of the advisory committee shall constitute a quorum for all purposes.

29 **SECTION 6. ORS 8.430 is repealed.**

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