

# House Bill 2345

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim 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.

Provides that certified shorthand reporter may be certified by nationally recognized certification program.

## A BILL FOR AN ACT

1  
2 Relating to court reporting; amending ORS 8.340 and 8.415.

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

28 (b) **A reporter providing services under paragraph (a) of this subsection must be certified**  
29 **in stenographic reporting or voicewriting reporting under ORS 8.415 to 8.455 or by a na-**  
30 **tionally recognized certification program.**

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

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

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

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

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

14 [(6)] (7) The notes or audio records of the official reporter or a reporter providing services under  
 15 [subsection (7)] subsections (5) and (8) of this section shall be filed in the office of the clerk of the  
 16 court subject to the provisions of ORS 7.120 and except as provided in ORS 19.385.

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

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

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

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

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

38 8.415. As used in ORS 8.415 to 8.455, unless the context requires otherwise:

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

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

42 (3) "Certified shorthand reporter" means an individual who has been certified to engage in the  
 43 practice of stenographic reporting or voicewriting reporting under ORS 8.415 to 8.455 **or by a na-**  
 44 **tionally recognized certification program.**

45 (4) "Stenographic reporting" means the making and transcribing of a verbatim record of any

1 court proceeding, deposition, hearing or other proceeding by means of a written system of either  
2 manual or machine shorthand procedures.

3 (5) "Voicewriting reporting" means the making and transcribing of a verbatim record of any  
4 court proceeding, deposition, hearing or other proceeding by:

5 (a) Recording the words in the proceeding using a voice silencer for subsequent transcription;  
6 or

7 (b) Using a computerized speech-recognition transcription program.  
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