

A-Engrossed
Senate Bill 384

Ordered by the Senate April 7
Including Senate Amendments dated April 7

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate 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.

Requires judge to appoint [*certified shorthand*] **court** 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.

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

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 section is the official record of the proceedings.

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

5 (c) If a reporter is not available for appointment under this subsection, or if a reporter
6 appointed under this subsection is not available at any time during the trial or hearing, the
7 court shall provide for an appropriate alternative method for preserving an accurate official
8 record of the proceedings and the preparation of a transcript, if necessary.

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

11 [(5)] (6) Except as provided in subsection (5) of this section, when a report is required, the
12 reporter shall:

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

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

17 [(6)] (7) The notes or audio records of the official reporter or a reporter providing services under
18 [*subsection (7)*] subsections (5) and (8) of this section shall be filed in the office of the clerk of the
19 court subject to the provisions of ORS 7.120 and except as provided in ORS 19.385.

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

28 (b) If all parties to the proceedings agree, the [*stenographic*] reporting of the proceedings by a
29 reporter arranged for by a party may be used by the parties during the proceedings.

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

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

38