

**PROPOSED AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2316**

1 On page 1 of the printed B-engrossed bill, line 2, delete “and 55.130” and
2 insert “, 53.090 and 55.130; repealing sections 1, 2, 3, 4 and 5, chapter ____,
3 Oregon Laws 2015 (Enrolled House Bill 3399)”.

4 On page 4, after line 17, insert:

5 **“SECTION 8. (1) In any proceeding conducted in open court in a
6 justice court, any party may arrange for audio recording or reporting
7 of the proceeding by stenographic or other means. The court may not
8 prohibit recording or reporting of the proceeding under this section.**

9 **“(2) A reporter providing stenographic reporting services under this
10 section must be certified in shorthand reporting under ORS 8.415 to
11 8.455 or by a nationally recognized certification program. A party ar-
12 ranging for reporting of the proceeding by stenographic means must
13 provide the court with the name of the reporter and an address and
14 telephone number where the reporter may be contacted.**

15 **“(3) If all parties to the proceeding and the court agree, the audio
16 recording or stenographic or other reporting of the proceeding ar-
17 ranged under this section may be used by the parties during the pro-
18 ceeding.**

19 **“(4) If all parties to the proceeding and the court agree, the audio
20 recording or stenographic or other reporting of the proceeding ar-
21 ranged under this section is the official record of the proceeding.**

22 **“(5) Unless other parties agree to pay all or part of the cost of the**

1 **audio recording or stenographic or other reporting of the proceeding,**
2 **the party arranging for the recording or reporting must pay all costs**
3 **of the recording or reporting.**

4 **“SECTION 9.** ORS 53.090 is amended to read:

5 “53.090. Within 30 days next following the allowance of the appeal, the
6 appellant must cause to be filed with the clerk of the appellate court a
7 transcript of the cause. The transcript must contain a copy of all the mate-
8 rial entries in the justice docket relating to the cause or the appeal **and any**
9 **transcript or audio record made under section 8 of this 2015 Act,** and
10 must have annexed thereto all the original papers relating to the cause or
11 the appeal and filed with the justice. Upon the filing of the transcript with
12 the clerk of the appellate court, the appeal is perfected. Thenceforth the
13 action shall be deemed pending and for trial therein as if originally com-
14 menced in such court, and the court shall have jurisdiction of the cause and
15 shall proceed to hear, determine and try it anew, disregarding any irreg-
16 ularity or imperfection in matters of form which may have occurred in the
17 proceedings in the justice court. If the transcript and papers are not filed
18 with the clerk of the appellate court within the time provided, the appellate
19 court, or the judge thereof, may by order extend the time for filing the same
20 upon such terms as the court or judge may deem just. However, such order
21 shall be made within the time allowed to file the transcript.

22 **“SECTION 10.** Section 11 of this 2015 Act is added to and made a
23 **part of ORS chapter 221.**

24 **“SECTION 11.** (1) **In any proceeding conducted in open court in a**
25 **municipal court, any party may arrange for audio recording or re-**
26 **porting of the proceeding by stenographic or other means. The court**
27 **may not prohibit recording or reporting of the proceeding under this**
28 **section.**

29 **“(2) A reporter providing stenographic reporting services under this**
30 **section must be certified in shorthand reporting under ORS 8.415 to**

1 8.455 or by a nationally recognized certification program. A party ar-
2 ranging for reporting of the proceeding by stenographic means must
3 provide the court with the name of the reporter and an address and
4 telephone number where the reporter may be contacted.

5 “(3) If all parties to the proceeding and the court agree, the audio
6 recording or stenographic or other reporting of the proceeding ar-
7 ranged under this section may be used by the parties during the pro-
8 ceeding.

9 “(4) If all parties to the proceeding and the court agree, the audio
10 recording or stenographic or other reporting of the proceeding ar-
11 ranged under this section is the official record of the proceeding.

12 “(5) Unless other parties agree to pay all or part of the cost of the
13 audio recording or stenographic or other reporting of the proceeding,
14 the party arranging for the recording or reporting must pay all costs
15 of the recording or reporting.

16 “SECTION 12. Sections 8 and 11 of this 2015 Act and the amend-
17 ments to ORS 53.090 by section 9 of this 2015 Act apply only to pro-
18 ceedings occurring in a justice court or municipal court on or after
19 January 1, 2016.

20 “SECTION 13. If House Bill 3399 becomes law, sections 1, 2
21 (amending ORS 53.090), 3, 4 and 5, chapter __, Oregon Laws 2015 (En-
22 rolled House Bill 3399), are repealed.”.

23 In line 18, delete “8” and insert “14”.

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