

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1733

BY: STEIDLEY

AS INTRODUCED

AN ACT RELATING TO COURTS; AMENDING 20 O.S. 1981,
SECTION 106.4, AS AMENDED BY SECTION 1, CHAPTER 39,
O.S.L. 1989 (20 O.S. SUPP. 1990, SECTION 106.4),
WHICH RELATES TO DUTIES OF COURT REPORTERS;
PROVIDING FOR PREPARATION AND COSTS OF CERTAIN
TRANSCRIPTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 20 O.S. 1981, Section 106.4, as amended by Section 1, Chapter 39, O.S.L. 1989 (20 O.S. Supp. 1990, Section 106.4), is amended to read as follows:

Section 106.4 (a) The court reporter shall make a full reporting by means of stenographic hand, steno-mask or machine notes, or a combination thereof, of all proceedings, including the statements of counsel and the court and the evidence, in trials and other judicial proceedings and in hearings before the Corporation Commission to which he is assigned ~~by the appointing judge~~ unless excused by the judge or hearing examiner who is trying the case with the consent of the parties to the action. Nothing herein contained shall be construed to authorize the certification of persons as certified shorthand reporters who rely exclusively upon the

steno-mask for reporting judicial proceedings, except as provided by law. A refusal of the court or hearing examiner to permit or to require any statement to be taken down by the court reporter or transcribed after being taken down, upon the same being shown by affidavit or other direct and competent evidence, to the Supreme Court, or other appellate court, shall constitute a denial of due process of law. The court reporter may use an electronic instrument as a supplementary device. In any trial, hearing or proceedings, the judge or hearing examiner before whom the matter is being heard may, unless objection is made by a party or counsel, order the proceedings electronically recorded. A trial or proceedings may proceed without the necessity of a court reporter being present, unless there is objection by a party or counsel. Provided that if an official transcript is ordered then it shall be prepared by the official court reporter.

(b) Upon request of either party in a civil or criminal case or upon request of a party to a hearing before the Corporation Commission, the reporter shall transcribe the proceedings in a trial, Corporation Commission hearing, or other judicial proceeding, or so much thereof as may be requested by the party, certify to the correctness of the transcript, and deliver the same in accordance with the rules of the Supreme Court. The fee for an original transcript shall be Two Dollars and fifty cents (\$2.50) per page. Two copies of the original transcript shall be furnished without additional charge. The fee for additional copies shall be One Dollar and fifty cents (\$1.50) per page. Each page shall be at least twenty-five lines to the page and typed in ten-point pica type. Said page as mentioned herein shall be no more than double spaced and the margin on the left side of the page shall be no more than one and one-half (1 1/2) inches and the margin on the right side of the page shall be no more than one-half (1/2) inch from the edge of the paper. The format for all transcripts shall be

prescribed by the Supreme Court. The fees for making the transcript shall be paid in the first instance by the party requesting the transcript and shall be taxed as costs in the suit.

When the judge or hearing examiner of his own motion orders a transcript of the reporter's notes, the judge or hearing examiner may direct the payment of charges therefor and the taxation of the charges as costs in such manner as to him may seem just. In a criminal action, if the defendant shall present to the judge his affidavit that he intends in good faith to take an appeal in the case and that a transcript of the reporter's notes is necessary to enable him to prosecute the appeal, and that he has not the means to pay for the transcript, the court, upon finding that there is reasonable basis for the averment, shall order the transcript made at the expense of the district court fund. The format preparation, delivery and filing of transcripts to be used in civil and criminal appeals may be regulated by the Supreme Court.

(c) The court reporter shall file his records of the evidence and the proceedings taken in any case with the clerk of the court in which the case was tried. A Corporation Commission court reporter shall file said records with the Corporation Commission.

(d) To the extent that it does not substantially interfere with the court reporter's other official duties, the judge by whom a reporter is employed or to whom he is assigned may assign a reporter to secretarial or clerical duties arising out of official court operations.

SECTION 2. This act shall become effective September 1, 1991.

43-1-5896

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