STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 986 By: Smith

AS INTRODUCED

An Act relating to court reporters; amending 20 O.S. 2001, Section 106.4, which relates to transcripts; making language gender neutral; increasing fee for original transcripts; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 106.4, is amended to read as follows:

Section 106.4 ~~(a)~~ 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 to which ~~he~~ the court reporter is assigned by the appointing judge unless excused by the judge 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 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 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)~~ B. Upon request of either party in a civil or criminal case, the reporter shall transcribe the proceedings in a trial 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)~~ Three Dollars and fifty cents ($3.50) per page. Two copies of the original transcript shall be furnished without additional charge. Each page shall be at least twenty-five lines to the page and typed in ten-point pica type. ~~Said~~ Each 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 ~~of~~ on his or her own motion orders a transcript of the reporter's notes, the judge may direct the payment of charges ~~therefor~~ and the taxation of the charges as costs in such manner as ~~to him may seem just~~ the court deems appropriate. In a criminal action, if the defendant shall present to the judge ~~his~~ an affidavit that ~~he~~ the defendant 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~~ the defendant to prosecute the appeal, and that he or she

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)~~ C. The court reporter shall file his or her records of the evidence and the proceedings taken in any case with the clerk of the court in which the case was tried.

~~(d)~~ 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 or she is assigned may assign a reporter to secretarial or clerical duties arising out of official court operations.

SECTION 2. This act shall become effective November 1, 2002.

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