

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 478

By: Smith of the Senate

and

Askins and Braddock of the
House

COMMITTEE SUBSTITUTE

An Act relating to courts; amending Section 5, Chapter 390, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1011), which relates to materials in the custody of court reporters; providing exception for requirement that court reporters destroy certain materials; eliminating responsibility of court reporters for certain costs; requiring offering party to take possession of exhibits at certain time; providing exception; providing procedure and requirements for reporting notes of certified shorthand reporters; amending 20 O.S. 2001, Sections 1503 and 1503.1, which relate to certified shorthand reporters; allowing retention of certain testing credit for specified period; modifying certain continuing education requirements; providing exceptions; and providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 390, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1011), is amended to read as follows:

Section 1011. ~~Each~~ A. Unless otherwise ordered by a judge of the district court, each court reporter who has been employed by a district court of this state shall remove all exhibits, notes and other materials from the custody of the court clerk within thirty (30) days after termination of employment with that district court by the court reporter. In the event that the court reporter fails to remove the property in a timely manner, the court clerk shall be authorized to destroy the materials after six (6) months have

elapsed since termination of the court reporter's employment, ~~and the court reporter shall be responsible for any expenses for costs of reproduction.~~

B. It shall be mandatory that the offering party in any case shall take possession of all exhibits offered in a case at the conclusion of an appeal, or after the appeal time has elapsed if no appeal is taken, except in capital murder cases.

C. 1. The reporting notes of all certified shorthand reporters may be kept in any form of communication or representation including paper, electronic, or magnetic media or other technology capable of reproducing for transcription the testimony of the proceedings according to standards or guidelines for the preservation and reproduction of the medium adopted by the American National Standards Institute or the Association for Information and Image Management. Reporting notes shall be stored in an environment free from excessive moisture, temperature variation and electromagnetic fields if stored on a medium other than paper.

2. If the reporting notes are kept in any form other than paper, one duplicate backup copy of the notes shall be stored in a manner and place that reasonably assures its preservation.

3. A periodic review of the media on which the reporting notes are stored shall be conducted to assure that a storage medium is not obsolete and that current technology is capable of accessing and reproducing the records for the required retention period.

SECTION 2. AMENDATORY 20 O.S. 2001, Section 1503, is amended to read as follows:

Section 1503. A. Every applicant who seeks to be examined for enrollment as a certified shorthand reporter shall prove to the satisfaction of the State Board of Examiners of Certified Shorthand Reporters that he or she:

1. Is of legal age;
2. Meets the requisite standards of ethical fitness; and

3. Has at least a high school education or its equivalent.

B. The examination for certification in one or more authorized methods of shorthand reporting consists of two parts, designated Part 1 and Part 2 as follows:

1. Part 1 consists of proof of having passed the Registered Professional Reporter Examination of the National Court Reporters Association (NCRA) or an equivalent test as authorized by the Supreme Court consisting of the following requirements:

demonstrated proficiency in reporting testimony and proceedings at a speed of not more than two hundred (200) words per minute in taking a question-and-answer type dictation and at a speed of not more than one hundred eighty (180) words per minute in taking literary materials which shall be designed to test the ability of an applicant to accurately transcribe opening and closing arguments and in preparing an accurate transcription thereof that is reasonably free from spelling errors. The Board may not increase or decrease such minimum speed requirement, by rule or otherwise; and

2. Part 2 is the Oklahoma Written Knowledge test which consists of not less than twenty-five multiple choice questions relating to Oklahoma law and court rules, duties of certified shorthand reporters, and general court procedure. The examination shall be approved by the Supreme Court. A person who has tested with the Board and successfully completed the written knowledge portion of the examination shall be allowed to retain the credit for that portion for two (2) years from the date passed, and shall not be required to retake that portion during the two-year period.

C. An applicant who is academically dishonest when taking any authorized examination is disqualified and may not take the examination again until two (2) years have elapsed from the date of the examination at which the applicant was disqualified.

D. A certification issued under this section must be for one or more of the following methods of shorthand reporting:

1. Written shorthand;
2. Machine shorthand; or
3. Any other method of shorthand reporting authorized by the Supreme Court.

E. No person may engage in shorthand reporting in this state unless the person is a licensed or certified shorthand reporter or otherwise authorized by law or the Supreme Court.

SECTION 3. AMENDATORY 20 O.S. 2001, Section 1503.1, is amended to read as follows:

Section 1503.1 A. Every ~~official~~ certified shorthand reporter and every court reporter temporarily employed by the district court, Workers' Compensation Court, or Corporation Commission shall annually complete at least ~~two (2)~~ four (4) hours of continuing education approved by the State Board of Examiners of Certified Shorthand Reporters, which shall include at least one (1) hour which relates to Oklahoma court rules and procedures.

B. A certified shorthand reporter or court reporter is exempt from the requirements of subsection A of this section if the reporter verifies under oath to the State Board of Examiners of Certified Shorthand Reporters that he or she:

1. Has attained the age of sixty-five (65) before or during the calendar year for which the reporter seeks an exemption;

2. Is a member of the armed forces on full-time active duty during the entire calendar year for which the reporter seeks an exemption; or

3. Has provided written verification by a licensed physician that a medical condition has prevented the court reporter from working in such capacity and completing continuing education for the calendar year for which the reporter seeks an exemption.

SECTION 4. This act shall become effective November 1, 2003.

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