

THE HOUSE OF REPRESENTATIVES
Thursday, April 19, 2007

ENGROSSED

Senate Bill No. 825

ENGROSSED SENATE BILL NO. 825 - By: CRAIN of the Senate and SULLIVAN of the House.

An Act relating to courts; amending 20 O.S. 2001, Sections 106.3B, 106.4, as amended by Section 1, Chapter 73, O.S.L. 2002 and 106.9, as last amended by Section 1, Chapter 36, 2nd Extraordinary Session, O.S.L. 2006 (20 O.S. Supp. 2006, Sections 106.3B, 106.4 and 106.9), which relate to court reporters; updating language; requiring certain examination; requiring report of certain examination results; modifying certain transcription requirement; modifying requirements for certain payment; and providing an effective date.

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

- 1 SECTION 1. AMENDATORY 20 O.S. 2001, Section 106.3B, is amended to read
- 2 as follows:
- 3 Section 106.3B Only the following persons may act and are eligible for appointment
- 4 on a full-time or part-time basis as official court reporters for the courts, including the
- 5 Workers' Compensation Court and the Corporation Commission:
- 6 a. Persons now certified or hereafter certified by the State Board of Examiners of
- 7 ~~Official~~ Certified Shorthand Reporters shall be given primary consideration for
- 8 appointment;

1 b. Persons who, prior to July 1, 1978, were licensed as licensed shorthand reporters
2 by the State Board of Examiners of ~~Official~~ Certified Shorthand Reporters shall be given
3 secondary consideration for appointment;

4 c. Persons who, prior to July 1, 1978, were acting shorthand reporters under a
5 certificate issued by the Chief Justice;

6 d. When no person eligible for appointment as an official court reporter, as provided
7 above, is available for appointment, a presiding judge or a district judge may make
8 application to the Chief Justice to appoint a shorthand reporter on a temporary basis.
9 The Chief Justice may issue a temporary certificate valid for not more than twelve (12)
10 months, upon payment of a fee of Fifty Dollars (\$50.00) and a fee of Seventy-five Dollars
11 (\$75.00) for the certified shorthand reporter examination which will be deposited with
12 the Clerk of the Supreme Court. The temporary certificate shall be nonrenewable, except
13 in emergency situations as determined by the Chief Justice and for no longer than ninety
14 (90) additional days. Absent good cause shown as determined by the State Board of
15 Examiners of Certified Shorthand Reporters, a temporary certificate holder shall sit for
16 at least one Oklahoma certified shorthand reporter examination administered during the
17 term of the temporary certificate. The holder shall be required to transcribe the
18 examination, and the results of such transcription shall be reported to the holder's
19 supervisory judge;

20 e. The appointment of an official court reporter by a district or presiding judge shall
21 be subject to the approval of the Chief Justice. Before giving his approval to the
22 appointment, the Chief Justice shall determine, with the aid of the Administrative

1 Director of the Courts, that the appointing judge has given proper consideration to the
2 statutory preference accorded herein to certified and licensed reporters; and

3 f. A temporary court reporter, either while so serving or after the expiration of this
4 appointment, shall be required to transcribe any testimony and other proceedings taken
5 by him and to certify that the transcription is true and correct. A transcript certified by
6 a temporary court reporter shall have the same effect as one certified by a regular court
7 reporter.

8 SECTION 2. AMENDATORY 20 O.S. 2001, Section 106.4, as amended by
9 Section 1, Chapter 73, O.S.L. 2002 (20 O.S. Supp. 2006, Section 106.4), is amended to
10 read as follows:

11 Section 106.4 A. The court reporter shall make a full reporting by means of
12 stenographic hand, steno-mask or machine notes, or a combination thereof, of all
13 proceedings, including the statements of counsel and the court and the evidence, in trials
14 and other judicial proceedings to which the court reporter is assigned by the appointing
15 judge unless excused by the judge who is trying the case with the consent of the parties
16 to the action. Nothing herein contained shall be construed to authorize the certification
17 of persons as certified shorthand reporters who rely exclusively upon the steno-mask for
18 reporting judicial proceedings, except as provided by law. A refusal of the court to permit
19 or to require any statement to be taken down by the court reporter or transcribed after
20 being taken down, upon the same being shown by affidavit or other direct and competent
21 evidence, to the Supreme Court, or other appellate court, shall constitute a denial of due
22 process of law. The court reporter may use an electronic instrument as a supplementary

1 device. In any trial, hearing or proceedings, the judge before whom the matter is being
2 heard may, unless objection is made by a party or counsel, order the proceedings
3 electronically recorded. A trial or proceedings may proceed without the necessity of a
4 court reporter being present, unless there is objection by a party or counsel. Provided
5 that if an official transcript is ordered then it shall be prepared by the official court
6 reporter.

7 B. Upon request of either party in a civil or criminal case, the reporter shall
8 transcribe the proceedings in a trial or other judicial proceeding, or so much thereof as
9 may be requested by the party, certify to the correctness of the transcript, and deliver the
10 same in accordance with the rules of the Supreme Court. The fee for an original
11 transcript shall be Three Dollars and fifty cents (\$3.50) per page. Two copies of the
12 original transcript shall be furnished without additional charge. Each page shall be at
13 least twenty-five lines to the page and typed ~~in ten-point pica type~~ no fewer than nine
14 characters to the typed inch. Each page shall be no more than double spaced and the
15 margin on the left side of the page shall be no more than one and one-half (1 1/2) inches
16 and the margin on the right side of the page shall be no more than one-half (1/2) inch
17 from the edge of the paper. The format for all transcripts shall be prescribed by the
18 Supreme Court. The fees for making the transcript shall be paid in the first instance by
19 the party requesting the transcript and shall be taxed as costs in the suit.

20 When the judge on his or her own motion orders a transcript of the reporter's notes,
21 the judge may direct the payment of charges and the taxation of the charges as costs in
22 such manner as the court deems appropriate. In a criminal action, if the defendant shall

1 present to the judge an affidavit that the defendant intends in good faith to take an
2 appeal in the case and that a transcript of the reporter's notes is necessary to enable the
3 defendant to prosecute the appeal, and that he or she has not the means to pay for the
4 transcript, the court, upon finding that there is reasonable basis for the averment, shall
5 order the transcript made at the expense of the district court fund. The format
6 preparation, delivery and filing of transcripts to be used in civil and criminal appeals
7 may be regulated by the Supreme Court.

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

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

14 SECTION 3. AMENDATORY 20 O.S. 2001, Section 106.9, as last amended by
15 Section 1, Chapter 36, 2nd Extraordinary Session, O.S.L. 2006 (20 O.S. Supp. 2006,
16 Section 106.9), is amended to read as follows:

17 Section 106.9 A. Until October 1, 2006, the salaries of all court reporters regularly
18 engaged by the district court, the Workers' Compensation Court, or the Corporation
19 Commission shall be paid by the state, except as otherwise provided in this section. Full-
20 time court reporters regularly engaged by the district court, the Workers' Compensation
21 Court and the Corporation Commission who are certified shorthand reporters shall be
22 paid Thirty-five Thousand Six Hundred Dollars (\$35,600.00) per year, payable monthly.

1 Effective October 1, 2006, the salaries of all court reporters regularly engaged by the
2 district court, the Workers' Compensation Court, or the Corporation Commission shall be
3 paid by the state, except as otherwise provided in this section. Full-time court reporters
4 regularly engaged by the district court, the Workers' Compensation Court and the
5 Corporation Commission who are certified shorthand reporters shall be paid Thirty-nine
6 Thousand One Hundred Sixty Dollars (\$39,160.00) per year, payable monthly.

7 B. In addition to their base salaries, official court reporters who are certified or
8 licensed shorthand reporters and those acting shorthand reporters pursuant to
9 paragraph c of Section 106.3B of this title shall be paid annually the sum of Four
10 Hundred Dollars (\$400.00) for each year of service to the district court, the Workers'
11 Compensation Court and the Corporation Commission, with a maximum of twenty (20)
12 years of service only to be used for the purpose of longevity, not to exceed Eight
13 Thousand Dollars (\$8,000.00) per year, payable monthly. For the purpose of payment for
14 longevity, "years of service" is defined as all years served as a certified or licensed court
15 reporter in the district court, the Workers' Compensation Court and, the Corporation
16 Commission after June 30, 1978. Such longevity payments shall begin on July 1 of each
17 year following completion of one (1) year's service as defined herein.

18 C. In addition to their base salaries, official court reporters who are certified
19 shorthand reporters shall be paid the following:

- 20 1. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable
21 monthly, to any official court reporter who is a ~~holder of a certificate of proficiency~~
22 Registered Professional Reporter (RPR), as ~~certified~~ recognized by the State Board of

1 Examiners of Certified Shorthand Reporters. To qualify ~~for as a certificate of proficiency~~
2 RPR, an official court reporter ~~must~~ shall have a proficiency level in reporting testimony
3 and proceedings of a speed of not less than two hundred twenty-five (225) words per
4 minute in taking a question-and-answer-type dictation, two hundred (200) words per
5 minute in taking a jury charge and one hundred eighty (180) words per minute in taking
6 literary material, shall pass a Written Knowledge Test with a score of at least seventy
7 percent (70%), all as determined by an examination ~~administered by the Board or~~
8 recognized by the Board, and shall complete thirty (30) hours of continuing education per
9 three-year cycle commencing at the date of recognition;

10 2. The sum of ~~Three Thousand Dollars (\$3,000.00)~~ One Thousand Five Hundred
11 Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a
12 Registered Merit Reporter (RMR), as ~~certified~~ recognized by the State Board of
13 Examiners of Certified Shorthand Reporters. To qualify as a ~~Registered Merit Reporter~~
14 ~~(RMR)~~ RMR, an official court reporter ~~must~~ shall have a proficiency level in reporting
15 testimony and proceedings of a speed of not less than two hundred sixty (260) words per
16 minute in taking a question-and-answer-type dictation, two hundred forty (240) words
17 per minute in taking a jury charge and two hundred (200) words per minute in taking
18 literary material, shall pass a Written Knowledge Test with a score of at least seventy
19 percent (70%), all as determined by an examination ~~administered by the Board or~~
20 recognized by the Board, and shall complete thirty (30) hours of continuing education per
21 three-year cycle commencing at the date of recognition;

1 3. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable
2 monthly, to any official court reporter who is a Registered Diplomat Reporter (RDR), as
3 ~~certified~~ recognized by the State Board of Examiners of Certified Shorthand Reporters,
4 and who completes thirty (30) hours of continuing education per three-year cycle
5 commencing at the date of recognition;

6 4. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable
7 monthly, to any official court reporter who is a Certified Realtime Reporter (CRR), as
8 ~~certified~~ recognized by the State Board of Examiners of Certified Shorthand Reporters,
9 and who completes thirty (30) hours of continuing education per three-year cycle
10 commencing at the date of recognition; or

11 5. Any official court reporter who is the holder of more than one certification shall
12 be compensated in the additional amounts specified in paragraphs 1 through 4 of this
13 subsection for each certification up to a maximum of Six Thousand Dollars (\$6,000.00)
14 per year over and above the reporter's base salary, payable monthly.

15 D. Court reporters temporarily employed by the district court, Workers'
16 Compensation Court, or Corporation Commission shall be compensated by the court fund
17 of the court which they serve at the rate of Fifty-seven Dollars and sixty cents (\$57.60)
18 per day. In addition, court reporters temporarily employed pursuant to this subsection
19 who are required by the terms of their employment to travel outside their county of
20 residence, shall receive reimbursement for mileage actually and necessarily traveled to
21 and from the place of attendance at a rate not to exceed the rate of reimbursement
22 specified in the State Travel Reimbursement Act for state employees. Any travel

1 reimbursement shall be paid from the court fund of the court where the service of the
2 temporarily employed court reporter is provided.

3 SECTION 4. This act shall become effective November 1, 2007.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
5 dated 04-18-07 - DO PASS.