

An Act

ENROLLED HOUSE
BILL NO. 4118

By: Hasenbeck, Smith, Boles,
and Humphrey of the House

and

Taylor, Burns, and Boren of
the Senate

An Act relating to courts; amending 20 O.S. 2021, Section 106.9, which relates to court reporter salaries; setting court reporter annual salary; amending 20 O.S. 2021, Section 125, which relates to secretary-bailiff salaries; setting secretary-bailiff annual salary; providing an effective date; and declaring an emergency.

SUBJECT: Courts

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

SECTION 1. AMENDATORY 20 O.S. 2021, Section 106.9, is amended to read as follows:

Section 106.9 A. Each court reporter regularly engaged by the district court, the Workers' Compensation Court of Existing Claims, or the Corporation Commission shall be paid a salary pursuant to the salary schedule established by the annual appropriation for the district courts and Corporation Commission and in accordance with the job description for the position to which appointed. ~~On October 1, 2021, each court reporter shall receive a one-time stipend of One Thousand Two Hundred Fifty Dollars (\$1,250.00)~~ For fiscal year 2023 and each fiscal year thereafter, each court reporter shall receive an annual salary of Fifty-three Thousand Dollars (\$53,000.00).

B. In addition to their base salaries, official court reporters who are certified or licensed shorthand reporters and those acting

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

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

1. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Registered Professional Reporter (RPR), as recognized by the State Board of Examiners of Certified Shorthand Reporters. To qualify as a RPR, an official court reporter shall have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred twenty-five (225) words per minute in taking a question-and-answer-type dictation, two hundred (200) words per minute in taking a jury charge and one hundred eighty (180) words per minute in taking literary material, shall pass a Written Knowledge Test with a score of at least seventy percent (70%), all as determined by an examination recognized by the Board, and shall complete thirty (30) hours of continuing education per three-year cycle commencing at the date of recognition;

2. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per year, payable monthly, to any official court reporter who is a Registered Merit Reporter (RMR), as recognized by the State Board of Examiners of Certified Shorthand Reporters. To qualify as a RMR, an official court reporter shall have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred sixty (260) words per minute in taking a question-and-answer-type dictation, two hundred forty (240) words per minute in taking a jury charge and two hundred (200) words per minute in taking literary material, shall pass a Written Knowledge Test with a score of at least seventy percent (70%), all as determined by an examination recognized by the Board, and shall complete thirty (30) hours of

continuing education per three-year cycle commencing at the date of recognition;

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

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

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

D. Court reporters temporarily employed by the district court, Workers' Compensation Court of Existing Claims, or Corporation Commission shall be compensated by the court fund of the court which they serve at a rate to be set by such court. In addition, court reporters temporarily employed pursuant to this subsection who are required by the terms of their employment to travel outside their county of residence shall receive reimbursement for mileage actually and necessarily traveled to and from the place of attendance at a rate not to exceed the rate of reimbursement specified in the State Travel Reimbursement Act for state employees. Any travel reimbursement shall be paid from the court fund of the court where the service of the temporarily employed court reporter is provided.

SECTION 2. AMENDATORY 20 O.S. 2021, Section 125, is amended to read as follows:

Section 125. A. In all counties of the state there is created the office of secretary-bailiff for district judges and associate district judges, with each such secretary-bailiff to be appointed by order of the district judge or associate district judge to serve at the will of the appointing judge as an unclassified employee of the state exempt from the provisions of the Oklahoma Merit System of

Personnel Administration. The Chief Justice shall approve by administrative directive the number and assignments of secretary-bailiffs in all counties of the state. Each secretary-bailiff shall be paid a salary pursuant to the salary schedule established by the annual appropriation for the district courts and in accordance with the job description for the position to which appointed. For fiscal year 2023 and each fiscal year thereafter, each secretary-bailiff shall receive an annual salary of Forty-two Thousand Dollars (\$42,000.00). In every county of the state each district judge and each associate district judge may by order appoint additional necessary court personnel subject to the approval of the Chief Justice. A part-time bailiff shall be paid out of the court fund of the county where appointed at the rate set by administrative directive for each hour that such person actually attends the court and performs services, or a pro rata fraction thereof for less than an hour of service. Notwithstanding any other provision of law, each district judge and associate district judge may contract with the sheriff of the county to allow a deputy sheriff to provide bailiff service to the court.

B. With the approval of the presiding judge, a special judge may appoint a secretary-bailiff or other personnel in accordance with the administrative order of the Chief Justice.

C. No judge shall engage more than one full-time secretary-bailiff at any given time except only during the progress of a jury trial, when a part-time bailiff may be engaged subject to the approval of the Chief Justice. In the latter event, no more than one additional bailiff shall be engaged to take charge of the jury. The costs of meals and lodging of bailiffs ordered to keep a jury together during the process of a trial or after the jury retires for deliberation shall be lawfully paid from the court fund.

D. A district judge who sits regularly in more than one county may employ only one full-time secretary-bailiff in the judicial district of the judge, and in any other county of the district the judge may engage a bailiff only on a part-time basis when such judge sits in the county as a judge pursuant to the procedures set forth by the Chief Justice in the administrative directive. The cost of the operation of the office of a district judge of a multi-county judicial district, including the purchase of equipment and supplies, may be apportioned among the counties of that judicial district, or appropriate division of that district, based upon the percentage of revenue collected by the courts of the district.

E. The Administrative Director of the Courts shall develop and promulgate job descriptions, salary schedules and time-keeping forms for part-time bailiff personnel. The Chief Justice of the Oklahoma Supreme Court, through the Office of the Administrative Director of the Courts, shall promulgate rules for the compensation for overtime for all secretary-bailiff and part-time bailiff personnel employed.

F. Persons employed by a county that does not meet the requirements of Section 951 of Title 19 of the Oklahoma Statutes, and who serve as full-time secretary-bailiffs or full-time bailiffs shall be eligible to participate in the state retirement system and state insurance programs and any other benefits as are provided to state employees in the unclassified service. All part-time bailiff personnel shall be compensated by the local court fund.

G. On October 1, 1989, the position of full-time bailiff shall be redesignated as the position of secretary-bailiff in accordance with the job descriptions, salary schedules, and procedures approved by the Chief Justice. Additional secretary-bailiff positions shall be created as funding and employee positions are available. Counties shall be allowed to provide additional support personnel to the judges sitting in such counties to the extent that funding is available.

H. Any secretary-bailiff, who is CLEET-certified as a basic peace officer, shall have and exercise all the powers and authority of a peace officer. The Office of the Administrative Director of the Courts shall promulgate rules which prescribe the duties for all CLEET-certified secretary-bailiffs. The provisions of this subsection will not entitle a CLEET-certified secretary-bailiff to participate in the Oklahoma Police Pension and Retirement System.

SECTION 3. This act shall become effective July 1, 2022.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 10th day of May, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____