

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 296

By: Howard of the Senate

and

Stinson of the House

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10 An Act relating to court reporters; amending 20 O.S.
11 2021, Section 106.4, which relates to duties of
12 reporter; establishing options for cases in which a
13 court reporter is unavailable; authorizing Supreme
14 Court to set certain transcript fee; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 20 O.S. 2021, Section 106.4, is
18 amended to read as follows:

19 Section 106.4. A. 1. The court reporter shall make a full
20 reporting by means of stenographic hand, steno-mask or machine
21 notes, or a combination thereof, of all proceedings, including the
22 statements of counsel and the court and the evidence, in trials and
23 other judicial proceedings to which the court reporter is assigned
24 by the appointing judge unless excused by the judge who is trying

1 the case with the consent of the parties to the action. Nothing
2 herein contained shall be construed to authorize the certification
3 of persons as certified shorthand reporters who rely exclusively
4 upon the steno-mask for reporting judicial proceedings, except as
5 provided by law. A refusal of the court to permit or to require any
6 statement to be taken down by the court reporter or transcribed
7 after being taken down, upon the same being shown by affidavit or
8 other direct and competent evidence, to the Supreme Court, or other
9 appellate court, shall constitute a denial of due process of law.
10 The court reporter may use an electronic instrument as a
11 supplementary device.

12 2. In any trial, hearing or proceedings, if no court reporter
13 is available to the assigned judge:

- 14 a. the judge before whom the matter is being heard may~~7~~
15 ~~unless objection is made by a party or counsel,~~ order
16 the proceedings electronically recorded. ~~A and a~~
17 trial or proceedings may proceed without the necessity
18 of a court reporter being present, ~~unless there is~~
19 ~~objection by a party or counsel.~~ Provided that if an
20 official transcript is ordered then it shall be
21 prepared by the official court reporter, or
22 b. with approval of the judge, the parties may stipulate
23 to the use of a freelance reporter and share the cost.
24 If ordered, the transcript shall be prepared by the

1 approved reporter and shall be considered the official
2 transcript for all purposes.

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

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

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

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

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

18 SECTION 2. This act shall become effective November 1, 2023.
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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
21 04/11/2023 - DO PASS.
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