

SENATE AMENDMENTS TO SENATE BILL 331

By COMMITTEE ON JUDICIARY

March 29

1 On page 1 of the printed bill, delete lines 4 through 31 and insert:

2 “**SECTION 1.** ORS 8.340 is amended to read:

3 “8.340. (1) It shall be the duty of each official reporter of the circuit court, justice court or
4 municipal court to attend the court for which the reporter is appointed at such times as the judge
5 or justice of the peace may direct.

6 “(2) A circuit court reporter shall be appointed under a personnel plan established by the Chief
7 Justice of the Supreme Court. Reporters for a justice or municipal court are not subject to this
8 subsection.

9 “(3) A reporter is an officer of the court in which the reporter serves and of any court to which
10 an appeal is made whenever the reporter has recorded the proceedings that are the subject of the
11 appeal.

12 “(4) Upon the trial or hearing of any cause, the judge or justice of the peace upon the motion
13 of the judge or justice of the peace may, and upon the request of either party shall, order a report
14 of the proceedings, in which case the reporter shall, in the manner provided in subsection (5) of this
15 section, make a report of the oral testimony and other proceedings of the trial or hearing to the
16 extent required by the court or by the requesting party.

17 “(5) When a report is required, the reporter shall:

18 “(a) Take accurate notes by shorthand or by means of a mechanical or electronic typing device;
19 or

20 “(b) Make audio records pursuant to policies and procedures established by the State Court
21 Administrator.

22 “(6) The notes or audio records of the reporter shall be filed in the office of the clerk of the
23 court subject to the provisions of ORS 7.120 and except as provided in ORS 19.385.

24 “(7)(a) [*Except in the ninth or tenth judicial district,*] In any circuit court proceeding where the
25 trial court [*regularly uses*] **may use** audio reporting techniques, any party may, with reasonable
26 notice to the trial court and at that party’s expense, arrange for the reporting of the proceeding by
27 stenographic means.

28 “(b) **A reporter providing stenographic reporting as arranged for under paragraph (a) of**
29 **this subsection must be certified in shorthand reporting as provided under ORS 8.415 to 8.455**
30 **or certified by a nationally recognized certification program.**

31 “(c) [*When alternative stenographic reporting occurs*] **If all parties to the proceedings agree,**
32 **the stenographic reporting of the proceedings by a reporter arranged for by a party is the**
33 **official record of the proceedings for the purpose of a transcript on appeal. For all other**
34 **purposes,** the official record of the proceedings shall be the record produced by the reporting
35 technique [*regularly*] used by the court, unless otherwise ordered by the court.

1 **“(d) If all parties to the proceedings agree, the stenographic reporting of the proceedings**
2 **by a reporter arranged for by a party may be used by the parties during the proceedings.”.**

3 On page 2, delete lines 1 through 4.

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