

A-Engrossed
Senate Bill 331

Ordered by the Senate March 29
Including Senate Amendments dated March 29

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Clarifies that in circuit court proceedings where court may use audio reporting techniques, any party to proceedings may arrange for stenographic reporting of proceedings. Specifies that stenographic reporting by reporter arranged for by party is official record if all parties agree.

A BILL FOR AN ACT

1
2 Relating to court reporting; creating new provisions; and amending ORS 8.340.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 8.340 is amended to read:

5 8.340. (1) It shall be the duty of each official reporter of the circuit court, justice court or mu-
6 nicipal court to attend the court for which the reporter is appointed at such times as the judge or
7 justice of the peace may direct.

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

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

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

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

20 (a) Take accurate notes by shorthand or by means of a mechanical or electronic typing device;
21 or

22 (b) Make audio records pursuant to policies and procedures established by the State Court Ad-
23 ministrator.

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 stenographic means.

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

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

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

12 **SECTION 2. The amendments to ORS 8.340 by section 1 of this 2005 Act apply only to**
13 **court proceedings conducted on or after the effective date of this 2005 Act.**

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