

By: Wentworth

S.B. No. 179

A BILL TO BE ENTITLED

AN ACT

relating to the ownership and disposition of official court reporter notes and transcripts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 52.046(a), Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) On request, an official court reporter shall:

(1) attend all sessions of the court;

(2) take full shorthand notes of oral testimony offered before the court, including objections made to the admissibility of evidence, court rulings and remarks on the objections, and exceptions to the rulings;

(3) take full shorthand notes of closing arguments if requested to do so by the attorney of a party to the case, including objections to the arguments, court rulings and remarks on the objections, and exceptions to the rulings;

(4) deliver the shorthand notes to the clerk of the court [~~preserve the notes for future reference for three years from the date on which they were taken~~]; and

(5) furnish a transcript of the reported evidence or other proceedings, in whole or in part, as provided by this chapter.

(e) Shorthand notes of oral testimony and closing arguments are property of the court. The clerk of the court shall preserve

1 the notes, and transcripts based on the notes, for three years from  
2 the date on which the documented proceeding took place.

3 SECTION 2. Section 52.047, Government Code, is amended to  
4 read as follows:

5 Sec. 52.047. TRANSCRIPTS. (a) A person may apply for a  
6 transcript of the evidence in a case reported by an official court  
7 reporter. The person must apply for the transcript in writing to  
8 the clerk of the ~~[official]~~ court ~~[reporter]~~, and the reporter  
9 shall furnish the transcript:

10 (1) on payment of the transcript fee to the court; or

11 (2) as provided by Rule 20 ~~[40(a)(3) or 53(j)]~~, Texas  
12 Rules of Appellate Procedure.

13 (b) The clerk of the court shall establish the transcription  
14 fee ~~[If an objection is made to the amount of the transcript fee,~~  
15 ~~the judge shall determine a reasonable fee, taking into~~  
16 ~~consideration the difficulty and technicality of the material to be~~  
17 ~~transcribed and any time constraints imposed by the person~~  
18 ~~requesting the transcript].~~

19 (c) On payment of the fee, or as provided by Rule 20  
20 ~~[40(a)(3) or 53(j)]~~, Texas Rules of Appellate Procedure, the person  
21 requesting the transcript is entitled to the original and one copy  
22 of the transcript. The person may purchase additional copies for a  
23 fee per page that does not exceed one-third of the original cost per  
24 page. The court may require that the official court reporter  
25 deliver a copy of the transcript to the clerk at no cost to the  
26 court.

27 (d) A ~~[An official]~~ court ~~[reporter]~~ may charge an

1 additional fee for:

- 2 (1) postage or express charges;
- 3 (2) photostating, blueprinting, or other reproduction
- 4 of exhibits;
- 5 (3) indexing; and
- 6 (4) preparation for filing and special binding of
- 7 original exhibits.

8 (e) ~~[If an objection is made to the amount of these~~

9 ~~additional fees, the judge shall set a reasonable fee.]~~ If the

10 person applying for the transcript is entitled to a transcript

11 without charge under Rule 20 ~~[40(a)(3) or 53(j)]~~, Texas Rules of

12 Appellate Procedure, the court ~~[reporter]~~ may not charge any

13 additional fees under Subsection (d).

14 (f) The court shall compensate the court reporter a

15 reasonable amount for transcribing shorthand notes, taking into

16 consideration the difficulty and technicality of the material to be

17 transcribed and any time constraints imposed by the person

18 requesting the transcript ~~[If the official court reporter charges~~

19 ~~an amount that exceeds a fee set by the judge, the reporter shall~~

20 ~~refund the excess to the person to whom it is due on demand filed~~

21 ~~with the court].~~

22 (g) Notwithstanding Rule 20.2 ~~[53(j)]~~, Texas Rules of

23 Appellate Procedure, an official court reporter who is required to

24 prepare a transcript in a criminal case in which a transcription fee

25 is prohibited ~~[without charging a fee]~~ is not entitled to payment

26 for the transcript ~~[from the state or county]~~ if the county paid a

27 substitute court reporter to perform the official court reporter's

1 regular duties while the transcript was being prepared, and a court  
2 may not charge a fee for the preparation of the transcript.

3 (h) To the extent that this section [~~subsection~~] conflicts  
4 with the Texas Rules of Appellate Procedure, this section  
5 [~~subsection~~] controls. Notwithstanding Sections 22.004 and  
6 22.108(b), the supreme court or the court of criminal appeals may  
7 not amend or adopt rules in conflict with this section  
8 [~~subsection~~].

9 SECTION 3. The changes in law made by this Act apply only to  
10 shorthand notes or transcripts that document a proceeding that  
11 begins on or after the effective date of this Act. The disposition  
12 of shorthand notes or transcripts that document a proceeding that  
13 begins before the effective date of this Act is governed by the law  
14 in effect on the date the proceeding begins, and the former law is  
15 continued in effect for that purpose.

16 SECTION 4. This Act takes effect September 1, 2007.