

By: Canales

H.B. No. 663

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 52.046, 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, until the third  
2 anniversary of the date of the documented proceeding.

3 SECTION 2. Section 52.047, Government Code, is amended by  
4 amending Subsections (b), (c), (d), (e), (f), and (g) and adding  
5 Subsection (h) to read as follows:

6 (b) The clerk of the court shall establish the transcription  
7 fee [~~If an objection is made to the amount of the transcript fee,~~  
8 ~~the judge shall determine a reasonable fee, taking into~~  
9 ~~consideration the difficulty and technicality of the material to be~~  
10 ~~transcribed and any time constraints imposed by the person~~  
11 ~~requesting the transcript].~~

12 (c) On payment of the fee, or as provided by Rule 20  
13 [~~40(a)(3) or 53(j)~~], Texas Rules of Appellate Procedure, the person  
14 requesting the transcript is entitled to the original and one copy  
15 of the transcript. The person may purchase additional copies for a  
16 fee per page that does not exceed one-third of the original cost per  
17 page. The court may require that the official court reporter  
18 deliver a copy of the transcript to the clerk at no cost to the  
19 court.

20 (d) A [~~An official~~] court [~~reporter~~] may charge an  
21 additional fee for:

- 22 (1) postage or express charges;  
23 (2) photostating, blueprinting, or other reproduction  
24 of exhibits;  
25 (3) indexing; and  
26 (4) preparation for filing and special binding of  
27 original exhibits.

1 (e) ~~[If an objection is made to the amount of these~~  
2 ~~additional fees, the judge shall set a reasonable fee.]~~ If the  
3 person applying for the transcript is entitled to a transcript  
4 without charge under Rule 20 ~~[40(a)(3) or 53(j)]~~, Texas Rules of  
5 Appellate Procedure, the court ~~[reporter]~~ may not charge any  
6 additional fees under Subsection (d).

7 (f) The court shall compensate the court reporter a  
8 reasonable amount for transcribing shorthand notes, taking into  
9 consideration the difficulty and technicality of the material to be  
10 transcribed and any time constraints imposed by the person  
11 requesting the transcript ~~[If the official court reporter charges~~  
12 ~~an amount that exceeds a fee set by the judge, the reporter shall~~  
13 ~~refund the excess to the person to whom it is due on demand filed~~  
14 ~~with the court].~~

15 (g) Notwithstanding Rule 20.2 ~~[53(j)]~~, Texas Rules of  
16 Appellate Procedure, an official court reporter who is required to  
17 prepare a transcript in a criminal case for which a transcription  
18 fee is prohibited ~~[without charging a fee]~~ is not entitled to  
19 payment for the transcript ~~[from the state or county]~~ if the county  
20 paid a substitute court reporter to perform the official court  
21 reporter's regular duties while the transcript was being prepared,  
22 and a court may not charge a fee for the preparation of the  
23 transcript.

24 (h) To the extent that this section ~~[subsection]~~ conflicts  
25 with the Texas Rules of Appellate Procedure, this section  
26 ~~[subsection]~~ controls. Notwithstanding Sections 22.004 and  
27 22.108(b), the supreme court or the court of criminal appeals may

1 not amend or adopt rules in conflict with this section  
2 [~~subsection~~].

3         SECTION 3. The changes in law made by this Act apply only to  
4 shorthand notes or transcripts that document a proceeding that  
5 begins on or after the effective date of this Act. The disposition  
6 of shorthand notes or transcripts that document a proceeding that  
7 begins before the effective date of this Act is governed by the law  
8 in effect on the date the proceeding begins, and the former law is  
9 continued in effect for that purpose.

10         SECTION 4. This Act takes effect September 1, 2017.