

By: Zaffirini

S.B. No. 1538

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the registration and regulation of court recorders by
3 the Judicial Branch Certification Commission; requiring
4 occupational registration; creating criminal offenses.

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

6 ARTICLE 1. COURT RECORDING

7 SECTION 1.001. The heading to Chapter 52, Government Code,
8 is amended to read as follows:

9 CHAPTER 52. COURT REPORTERS AND COURT COURT [~~SHORTHAND~~] REPORTING FIRMS

10 SECTION 1.002. Section 52.001, Government Code, is amended
11 to read as follows:

12 Sec. 52.001. DEFINITIONS. (a) In this chapter:

13 (1) "Court recorder" means a person who is registered
14 under Chapter 154 to engage in digital reporting.

15 (2) "Court reporter" means a shorthand reporter or a
16 court recorder.

17 (3) "Court reporting" means shorthand reporting or
18 digital reporting.

19 (4) "Digital reporting" means the practice of making a
20 verbatim record of an oral court proceeding, deposition, or
21 proceeding before a grand jury or court personnel for use in
22 litigation in the courts of this state through the use of digital
23 technology, electronic recording equipment, or other recording and
24 transcribing technology approved by the supreme court.

1 (5) "Official court reporter" means the court
2 ~~[shorthand]~~ reporter appointed by a judge as the official court
3 reporter.

4 (6) ~~[(4)]~~ "Shorthand reporter" means ~~[and "court~~
5 ~~reporter" mean]~~ a person who is certified as a shorthand ~~[court]~~
6 reporter, apprentice shorthand ~~[court]~~ reporter, or provisional
7 shorthand ~~[court]~~ reporter under Chapter 154 to engage in shorthand
8 reporting.

9 (7) ~~[(5)]~~ "Shorthand reporting" means ~~[and "court~~
10 ~~reporting" mean]~~ the practice of ~~[shorthand reporting for use in~~
11 ~~litigation in the courts of this state by]~~ making a verbatim record
12 of an oral court proceeding, deposition, or proceeding before a
13 grand jury~~[, referee,]~~ or court personnel for use in litigation in
14 the courts of this state ~~[commissioner]~~ using written symbols in
15 shorthand, machine shorthand, or oral stenography.

16 (8) "Court ~~[(6) "Shorthand reporting firm," "court]~~
17 reporting firm" ~~[firm,]~~ and "affiliate office" mean an entity
18 wholly or partly in the business of providing court reporting or
19 other related services in this state.

20 (b) For purposes of Subsection (a)(8) ~~[(a)(6)]~~, a court
21 reporting firm~~[, shorthand reporting firm,]~~ or affiliate office is
22 considered to be providing court reporting or other related
23 services in this state if:

24 (1) any act that constitutes a court reporting service
25 ~~[or shorthand reporting service]~~ occurs wholly or partly in this
26 state;

27 (2) the firm or office recruits a resident of this

1 state through an intermediary located inside or outside of this
2 state to provide court reporting services[~~, shorthand reporting~~
3 ~~services,~~] or other related services in this state; or

4 (3) the firm or office contracts with a resident of
5 this state by mail or otherwise and either party is to perform court
6 reporting services[~~, shorthand reporting services,~~] or other
7 related services wholly or partly in this state.

8 SECTION 1.003. The heading to Subchapter B, Chapter 52,
9 Government Code, is amended to read as follows:

10 SUBCHAPTER B. DUTIES OF COURT [~~SHORTHAND~~] REPORTING FIRMS

11 SECTION 1.004. Section 52.041(c), Government Code, is
12 amended to read as follows:

13 (c) Notwithstanding any other law, two or more judges of
14 courts of record may appoint a certified or registered court
15 [~~shorthand~~] reporter to serve each court as an official court
16 reporter of the court, provided each court is located in a county
17 with a population of 125,000 or less according to the 2020 federal
18 decennial census. A certified or registered court [~~shorthand~~]
19 reporter appointed under this subsection may serve as an official
20 court reporter for more than one county and be an employee of more
21 than one county.

22 SECTION 1.005. Sections 52.046(a) and (d), Government Code,
23 are amended to read as follows:

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

25 (1) attend all sessions of the court;

26 (2) take full [~~shorthand~~] notes of oral testimony
27 offered before the court, including objections made to the

1 admissibility of evidence, court rulings and remarks on the
2 objections, and exceptions to the rulings;

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

7 (4) preserve the notes for future reference for three
8 years from the date on which they were taken; and

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

11 (d) A judge of a county court or county court at law shall
12 appoint a court [~~shorthand~~] reporter to report the oral testimony
13 given in any contested probate matter in that judge's court.

14 SECTION 1.006. Sections 52.059(a) and (b), Government Code,
15 are amended to read as follows:

16 (a) Except as provided by Subsection (c), an attorney who
17 takes a deposition and the attorney's firm are jointly and
18 severally liable for a court [~~shorthand~~] reporter's charges for:

- 19 (1) the court [~~shorthand~~] reporting of the deposition;
20 (2) transcribing the deposition; and
21 (3) each copy of the deposition transcript requested
22 by the attorney.

23 (b) Except as provided by Subsection (c), an attorney who
24 appears at a deposition and the attorney's firm are jointly and
25 severally liable for a court [~~shorthand~~] reporter's charges for
26 each copy of the deposition transcript requested by the attorney.

27 SECTION 1.007. Section 154.001, Government Code, is amended

1 to read as follows:

2 Sec. 154.001. DEFINITIONS. (a) In this chapter:

3 (1) "Advisory board" means the Court Reporters
4 Certification and Registration Advisory Board.

5 (2) [~~(1-a)~~] "Apprentice shorthand [~~court~~] reporter"
6 means a person to whom an apprentice shorthand [~~court~~] reporter
7 certification is issued as authorized by Section [154.1011](#).

8 (3) [~~(2)~~] "Certification" means, notwithstanding
9 Section [151.001](#), a certification to engage in shorthand reporting
10 issued by the supreme court on the commission's recommendation.

11 (4) "Court recorder" means a person who is registered
12 with the commission under rules adopted by the supreme court to
13 engage in digital reporting.

14 (5) "Court reporter" means a shorthand reporter or
15 court recorder.

16 (6) "Court reporting" means shorthand reporting and
17 digital reporting.

18 (7) "Digital reporting" means the practice of making a
19 verbatim record of an oral court proceeding, deposition, or
20 proceeding before a grand jury or court personnel for use in
21 litigation in the courts of this state by using digital technology,
22 electronic recording equipment, or other recording and
23 transcribing technology approved by the supreme court.

24 (8) [~~(3)~~] "Official court reporter" means the court
25 [~~shorthand~~] reporter appointed by a judge as the official court
26 reporter.

27 (9) [~~(3-a)~~] "Provisional shorthand [~~court~~] reporter"

1 means a court reporter to whom a provisional certification is
2 issued as authorized by Section [154.1011](#).

3 (10) [~~(4)~~] "Shorthand reporter" means [~~and "court~~
4 ~~reporter" mean~~] a person who is certified as a shorthand [~~court~~]
5 reporter, apprentice shorthand [~~court~~] reporter, or provisional
6 shorthand [~~court~~] reporter under this chapter to engage in
7 shorthand reporting.

8 (11) [~~(5)~~] "Shorthand reporting" means [~~and "court~~
9 ~~reporting" mean~~] the practice of [~~shorthand reporting for use in~~
10 ~~litigation in the courts of this state by~~] making a verbatim record
11 of an oral court proceeding, deposition, or proceeding before a
12 grand jury[~~, referee,~~] or court personnel for use in litigation in
13 the courts of this state by [~~commissioner~~] using written symbols in
14 shorthand, machine shorthand, or oral stenography.

15 (12) "Court [~~(6) "Shorthand reporting firm," "court~~
16 reporting firm" [~~firm,"~~] and "affiliate office" mean an entity
17 wholly or partly in the business of providing court reporting or
18 other related services in this state.

19 (b) For purposes of Subsection (a)(12) [~~(a)(6)~~], a court
20 reporting firm[~~, shorthand reporting firm,~~] or affiliate office is
21 considered to be providing court reporting or other related
22 services in this state if:

23 (1) any act that constitutes a court reporting service
24 [~~or shorthand reporting service~~] occurs wholly or partly in this
25 state;

26 (2) the firm or affiliate office recruits a resident
27 of this state through an intermediary located inside or outside of

1 this state to provide court reporting services[~~, shorthand~~
2 ~~reporting services,~~] or other related services in this state; or

3 (3) the firm or affiliate office contracts with a
4 resident of this state by mail or otherwise and either party is to
5 perform court reporting services[~~, shorthand reporting services,~~
6 or other related services wholly or partly in this state.

7 SECTION 1.008. The heading to Subchapter B, Chapter 154,
8 Government Code, is amended to read as follows:

9 SUBCHAPTER B. COURT REPORTERS CERTIFICATION AND REGISTRATION

10 ADVISORY BOARD

11 SECTION 1.009. Section 154.051(a), Government Code, is
12 amended to read as follows:

13 (a) The Court Reporters Certification and Registration
14 Advisory Board is established as an advisory board to the
15 commission. The advisory board is composed of at least nine members
16 appointed by the supreme court as follows:

17 (1) one active district judge presiding over a court
18 that employs an official court reporter;

19 (2) one active attorney licensed in this state who has
20 been a practicing member of the State Bar for more than the five
21 years immediately preceding the attorney's appointment to the
22 advisory board;

23 (3) two certified shorthand reporters actively
24 engaged in the practice of official court reporting in this state
25 for more than the five years immediately preceding their
26 appointment to the advisory board;

27 (4) two certified shorthand reporters actively

1 engaged in the practice of court [~~shorthand~~] reporting on a
2 freelance basis for more than the five years immediately preceding
3 their appointment to the advisory board;

4 (5) one certified shorthand reporter actively engaged
5 in practice as a captioner in this state for more than the five
6 years immediately preceding the captioner's appointment to the
7 advisory board; and

8 (6) two certified shorthand reporters who:

9 (A) own a court [~~shorthand~~] reporting firm in
10 this state; and

11 (B) have owned and operated a court [~~shorthand~~]
12 reporting firm in this state for more than the five years
13 immediately preceding their appointment to the advisory board.

14 SECTION 1.010. Sections [154.101](#)(a), (e), (f), (g), and (i),
15 Government Code, are redesignated as Section 154.1001, Government
16 Code, and amended to read as follows:

17 Sec. 154.1001. CERTIFICATION OR REGISTRATION REQUIRED. (a)
18 A person may not be appointed an official court reporter or a deputy
19 court reporter unless the person is certified as a shorthand
20 reporter by the supreme court under Section [154.101](#) or registered
21 as a court recorder under Section [154.1045](#).

22 (b) A person may not engage in court reporting in this state
23 unless the person is:

24 (1) certified as:

25 (A) a shorthand reporter by the supreme court
26 under Section [154.101](#); or

27 (B) an apprentice shorthand reporter or

1 provisional shorthand reporter as authorized by Section 154.1011,
2 subject to the terms of the person's certification; or

3 (2) registered as a court recorder under Section
4 154.1045.

5 (c) [(e)] A person may not assume or use the title or
6 designation "court recorder," "court reporter," or "shorthand
7 reporter," or any abbreviation, title, designation, words,
8 letters, sign, card, or device tending to indicate that the person
9 is a court reporter, [or] shorthand reporter, or court recorder
10 unless the person is certified as a shorthand reporter or
11 provisional shorthand ~~[court]~~ reporter by the supreme court under
12 Section 154.101 or registered as a court recorder under Section
13 154.1045, as applicable. Nothing in this subsection shall be
14 construed to either sanction or prohibit the use of electronic
15 court recording equipment operated according to rules adopted or
16 approved by the supreme court.

17 (d) [(f)] Except as otherwise provided by law or by supreme
18 court rule, ~~[provided by Section 154.112 and by Section 20.001,~~
19 ~~Civil Practice and Remedies Code,~~] all depositions conducted in
20 this state must be reported by a certified shorthand reporter or
21 registered court recorder.

22 (e) [(g)] The commission may enforce this section and
23 Sections 154.101 and 154.1045 by seeking an injunction or by filing
24 a complaint against a person who is not certified as a shorthand
25 reporter by the supreme court or registered as a court recorder.
26 The commission may seek the injunction in the district court of the
27 county in which that person resides or in Travis County. Said

1 action for an injunction shall be in addition to any other action,
2 proceeding, or remedy authorized by law. The commission shall be
3 represented by the attorney general, the county or district
4 attorney of this state, or counsel designated and empowered by the
5 commission.

6 (f) [~~(i)~~] Rules applicable to a court reporter are also
7 applicable to a court reporting firm. The commission may enforce
8 this subsection by assessing a reasonable fee against a court
9 reporting firm. This subsection does not apply to court reporting
10 services performed outside of this state by a foreign court
11 [~~shorthand~~] reporter who is not certified in this state for use in a
12 court proceeding in this state, provided that the work resulting
13 from those services is produced and billed wholly outside of this
14 state.

15 SECTION 1.011. The heading to Section 154.101, Government
16 Code, is amended to read as follows:

17 Sec. 154.101. CERTIFICATION OF SHORTHAND REPORTERS.

18 SECTION 1.012. Section 154.101(b), Government Code, is
19 amended to read as follows:

20 (b) A person may not engage in shorthand reporting in this
21 state unless the person is certified as:

22 (1) a shorthand reporter by the supreme court under
23 this section; or

24 (2) an apprentice shorthand [~~court~~] reporter or
25 provisional shorthand [~~court~~] reporter certified as authorized by
26 Section 154.1011, subject to the terms of the person's
27 certification.

1 SECTION 1.013. Sections [154.1011](#), [154.1012](#), and [154.102](#)
2 Government Code, are amended to read as follows:

3 Sec. 154.1011. APPRENTICE SHORTHAND [~~COURT~~] REPORTER AND
4 PROVISIONAL SHORTHAND [~~COURT~~] REPORTER CERTIFICATIONS. (a)
5 Subject to Section [152.101](#), the commission by rule may provide for:

6 (1) the certification of an apprentice shorthand
7 [~~court~~] reporter who may engage in court reporting only:

8 (A) under the direct supervision of a certified
9 shorthand [~~court~~] reporter; and

10 (B) for the types of legal proceedings authorized
11 by commission rule; and

12 (2) the provisional certification of a shorthand
13 [~~court~~] reporter, including a shorthand [~~court~~] reporter described
14 by Section [154.1012](#)(f), that allows a person to engage in court
15 reporting only in accordance with the terms and for the period
16 expressly authorized by commission rule.

17 (b) Rules adopted under Subsection (a) may allow for the
18 issuance of a certification under Section [154.101](#) to:

19 (1) a certified apprentice shorthand [~~court~~] reporter
20 who satisfactorily completes the apprenticeship and passes Part A
21 of the examination required by Section [154.103](#); or

22 (2) a shorthand [~~court~~] reporter who holds a
23 provisional certification on the reporter's completion of the terms
24 of the commission's conditional approval.

25 Sec. 154.1012. RECIPROCITY. (a) The commission may waive
26 any prerequisite to obtaining a shorthand [~~court~~] reporter
27 certification for an applicant after reviewing the applicant's

1 credentials and determining the applicant holds a certification or
2 license issued by another jurisdiction that has certification or
3 licensing requirements substantially equivalent to those of this
4 state.

5 (b) The commission shall develop and periodically update on
6 a schedule established by the commission a list of states that have
7 certification or licensing requirements for court reporters
8 substantially equivalent to the certification requirements for the
9 shorthand reporters [~~those~~] of this state.

10 (c) The commission shall certify to the supreme court the
11 name of each qualified applicant who:

12 (1) holds a certification or license to engage in
13 court reporting issued by another state that, as determined by the
14 commission:

15 (A) has certification or licensing requirements
16 to engage in court reporting that are substantially equivalent to
17 the requirements of this state for a shorthand [~~court~~] reporter
18 governed by this chapter and Chapter 52; or

19 (B) is included on the list developed by the
20 commission under Subsection (b); and

21 (2) before certification in this state:

22 (A) passes Part B of the examination required by
23 Section 154.103; and

24 (B) provides proof acceptable to the commission
25 that the applicant has been actively performing court reporting in
26 another jurisdiction for at least three of the preceding five
27 years.

1 (d) A reciprocity agreement approved by the supreme court
2 under Section 152.202(b) must require an applicant who holds a
3 certification or license to engage in court reporting issued by
4 another state and who applies for certification as a shorthand
5 [~~court~~] reporter in this state to:

6 (1) pass Part B of the examination required by Section
7 154.103;

8 (2) provide proof acceptable to the commission that
9 the applicant has been actively performing court reporting in
10 another jurisdiction for at least three of the preceding five
11 years; and

12 (3) hold a certification or license that the
13 commission determines is at least equivalent to the registered
14 professional reporter designation or similar designation.

15 (e) A person who applies for certification as a shorthand
16 [~~court~~] reporter in this state and meets the requirements under
17 Subsection (c) is not required to meet the requirement under
18 Subsection (d)(3).

19 (f) Subject to Section 152.101, the commission may adopt
20 rules requiring the issuance of a provisional certification under
21 Section 154.1011 to an applicant described by Subsection (c) or (d)
22 that authorizes the applicant to serve as a shorthand [~~court~~]
23 reporter in this state for a limited time and under conditions the
24 commission considers reasonably necessary to protect the public
25 interest.

26 Sec. 154.102. APPLICATION FOR EXAMINATION. If applicable,
27 a person seeking certification as a shorthand reporter must file an

1 application for examination with the commission not later than the
2 30th day before the date fixed for the examination. The application
3 must be accompanied by the required fee.

4 SECTION 1.014. Section 154.104(b), Government Code, is
5 amended to read as follows:

6 (b) The commission shall certify to the supreme court the
7 name of each applicant who meets the qualifications for
8 certification as:

- 9 (1) an apprentice shorthand ~~[court]~~ reporter; or
10 (2) a provisional shorthand ~~[court]~~ reporter.

11 SECTION 1.015. Subchapter C, Chapter 154, Government Code,
12 is amended by adding Section 154.1045 to read as follows:

13 Sec. 154.1045. REGISTRATION OF COURT RECORDERS. A person
14 may not engage in court recording in this state unless the person is
15 registered with the commission in accordance with rules adopted by
16 the supreme court.

17 SECTION 1.016. Section 154.105, Government Code, is amended
18 to read as follows:

19 Sec. 154.105. TITLE; OATHS. (a) On certification under
20 Section 154.101 or as a provisional shorthand ~~[court]~~ reporter, a
21 shorthand reporter may use the title "Certified Shorthand Reporter"
22 or the abbreviation "CSR."

23 (b) On registration under Section 154.1045, a court
24 recorder may use the title "Registered Court Recorder" or other
25 titles or abbreviations indicating the person is registered as a
26 court recorder.

27 (c) A court ~~[certified shorthand]~~ reporter may administer

1 oaths to witnesses without being at the same location as the
2 witness.

3 (d) [~~(c)~~] The identity of a witness who is not in the
4 physical presence of a court [~~certified shorthand~~] reporter may be
5 proven by:

6 (1) a statement under oath on the record by a party to
7 the case stating that the party has actual knowledge of the
8 witness's identity;

9 (2) a statement on the record by an attorney for a
10 party to the case, or an attorney for the witness, verifying the
11 witness's identity;

12 (3) a statement on the record by a notary who is in the
13 presence of the witness verifying the witness's identity; or

14 (4) the witness's presentation for inspection by the
15 court reporter of an official document issued by this state,
16 another state, a federal agency, or another jurisdiction that
17 verifies the witness's identity.

18 SECTION 1.017. Section [154.106](#)(a), Government Code, is
19 amended to read as follows:

20 (a) A court [~~shorthand~~] reporting firm or an affiliate
21 office may not assume or use the title or designation "court
22 recording firm," "court reporting firm," or "shorthand reporting
23 firm" or any abbreviation, title, designation, words, letters,
24 sign, card, or device tending to indicate that the firm is a court
25 recording firm, court reporting firm, or shorthand reporting firm,
26 as applicable, or offer services as a court reporting firm [~~or~~
27 ~~shorthand reporting firm~~] unless the firm and its affiliate

1 offices are registered with the commission on a form prescribed by
2 the commission as required by this subchapter.

3 SECTION 1.018. Sections 154.107(a) and (d), Government
4 Code, are amended to read as follows:

5 (a) A person who receives certification as a shorthand
6 reporter, a person who registers with the commission as a court
7 recorder, or a court [~~shorthand~~] reporting firm or affiliate office
8 that registers with the commission must pay the initial fee and any
9 other required fee before receiving the certification or
10 registration.

11 (d) Notwithstanding Section 152.2015 and Subsection (c) of
12 this section, a court [~~shorthand~~] reporting firm shall pay a
13 registration or renewal fee in an amount equal to the fee for
14 shorthand [~~court~~] reporter certification under Section 154.101 in
15 lieu of the fee required for a shorthand reporting firm
16 registration if a certified shorthand [~~court~~] reporter of the firm:

17 (1) has an ownership interest in the firm of more than
18 50 percent; and

19 (2) maintains actual control of the firm.

20 SECTION 1.019. The heading to Section 154.110, Government
21 Code, is amended to read as follows:

22 Sec. 154.110. DISCIPLINARY ACTIONS AGAINST SHORTHAND
23 [~~COURT~~] REPORTERS.

24 SECTION 1.020. Sections 154.111(a), (c), (d), (f), and (g),
25 Government Code, are amended to read as follows:

26 (a) After receiving a complaint and giving the court
27 [~~shorthand~~] reporting firm or affiliate office notice and an

1 opportunity for a hearing as prescribed by Subchapter B, Chapter
2 153, the commission shall reprimand, assess a reasonable fine
3 against, or suspend, revoke, or refuse to renew the registration of
4 a court [~~shorthand~~] reporting firm or affiliate office for:

5 (1) fraud or corruption;

6 (2) dishonesty;

7 (3) conduct on the part of an officer, director, or
8 managerial employee of the court [~~shorthand~~] reporting firm or
9 affiliate office if the officer, director, or managerial employee
10 orders, encourages, or permits conduct that the officer, director,
11 or managerial employee knows or should have known violates this
12 subtitle;

13 (4) conduct on the part of an officer, director, or
14 managerial employee or agent of the court [~~shorthand~~] reporting
15 firm or affiliate office who has direct supervisory authority over
16 a person for whom the officer, director, employee, or agent knows or
17 should have known violated this subtitle and knowingly fails to
18 take reasonable remedial action to avoid or mitigate the
19 consequences of the person's actions;

20 (5) fraud or misrepresentation in obtaining
21 registration;

22 (6) a final conviction of an officer, director, or
23 managerial employee of a court [~~shorthand~~] reporting firm or
24 affiliate office for a felony or misdemeanor that is directly
25 related to the provision of court reporting services, as determined
26 by supreme court rules;

27 (7) engaging the services of a reporter that the court

1 ~~[shorthand]~~ reporting firm or affiliate office knew or should have
2 known was using a method for which the reporter is not certified;

3 (8) knowingly providing court reporting services
4 while the court ~~[shorthand]~~ reporting firm's or affiliate office's
5 registration is suspended or engaging the services of a court
6 ~~[shorthand]~~ reporter whose certification the court ~~[shorthand]~~
7 reporting firm or affiliate office knew or should have known was
8 suspended;

9 (9) unprofessional conduct, including:

10 (A) giving directly or indirectly or benefiting
11 from or being employed as a result of giving any gift, incentive,
12 reward, or anything of value to attorneys, clients, or their
13 representatives or agents, except for nominal items that do not
14 exceed \$100 in the aggregate for each recipient each year; or

15 (B) repeatedly committing to provide at a
16 specific time and location court reporting services for an attorney
17 in connection with a legal proceeding and unreasonably failing to
18 fulfill the commitment under the terms of that commitment;

19 (10) entering into or providing services under a
20 prohibited contract described by Section [154.115](#); or

21 (11) committing any other act that violates this
22 chapter or a rule or provision of the code of ethics adopted under
23 this subtitle.

24 (c) The commission may suspend the registration of a court
25 ~~[shorthand]~~ reporting firm or affiliate office:

26 (1) for a designated period of time in accordance with
27 Section [154.110](#)(b);

1 (2) until the court [~~shorthand~~] reporting firm or
2 affiliate office corrects the deficiencies that were the grounds
3 for the suspension; or

4 (3) until the court [~~shorthand~~] reporting firm or
5 affiliate office complies with any conditions imposed by the
6 commission to ensure the court [~~shorthand~~] reporting firm's or
7 affiliate office's future performance.

8 (d) A court [~~shorthand~~] reporting firm or affiliate office
9 whose registration is suspended may apply for reinstatement by
10 presenting proof that:

11 (1) the designated time has expired;

12 (2) the court [~~shorthand~~] reporting firm or affiliate
13 office has corrected the deficiencies; or

14 (3) the court [~~shorthand~~] reporting firm or affiliate
15 office has complied with the conditions imposed by the commission.

16 (f) The commission may place on probation a court
17 [~~shorthand~~] reporting firm or affiliate office whose registration
18 is suspended. If a registration suspension is probated, the
19 commission may require the firm or office to:

20 (1) report regularly to the commission on matters that
21 are the basis of the probation;

22 (2) limit practice to the areas prescribed by the
23 commission; or

24 (3) through its officers, directors, managerial
25 employees, or agents, continue or review professional education
26 until those persons attain a degree of skill satisfactory to the
27 commission in those areas that are the basis of the probation.

1 (g) The commission by rule shall define the conditions under
2 which a court [~~shorthand~~] reporting firm's or affiliate office's
3 repeated failure to fulfill a commitment to provide court reporting
4 services as described by Subsection (a)(9)(B) is considered
5 unprofessional conduct and grounds for disciplinary action.

6 SECTION 1.021. The heading to Section 154.112, Government
7 Code, is amended to read as follows:

8 Sec. 154.112. EMPLOYMENT OF NONCERTIFIED OR UNREGISTERED
9 PERSON FOR COURT [~~SHORTHAND~~] REPORTING; CIVIL PENALTY.

10 SECTION 1.022. Sections 154.112(a), (b), (e), and (f),
11 Government Code, are amended to read as follows:

12 (a) A person who is not certified as a shorthand [~~court~~]
13 reporter or registered as a court recorder may be employed to engage
14 in court [~~shorthand~~] reporting until a certified [~~shorthand~~]
15 reporter or registered recorder is available.

16 (b) A person who is not certified or registered as a court
17 reporter may engage in court [~~shorthand~~] reporting to report an
18 oral deposition only if:

19 (1) the uncertified or unregistered person delivers an
20 affidavit to the parties or to their counsel before the deposition
21 begins stating that a certified shorthand reporter or a registered
22 court recorder is not available; or

23 (2) the parties or their counsel stipulate on the
24 record at the beginning of the deposition that a certified
25 shorthand reporter or a registered court recorder is not available.

26 (e) In addition to any other remedy authorized by law, the
27 commission may:

1 (1) collect a civil penalty in an amount not to exceed
2 \$1,000 from a person who fails to comply with Subsection (b)(1) or
3 (d); and

4 (2) seek injunctive relief for a second or subsequent
5 violation of Subsection (b)(1) or (d) to prohibit the person from
6 engaging in court [~~shorthand~~] reporting unless the person is
7 certified as a shorthand [~~court~~] reporter or registered as a court
8 recorder under this chapter.

9 (f) The commission shall collect a civil penalty assessed
10 under Subsection (e)(1) following the same procedures the
11 commission uses in taking disciplinary action against a [~~certified~~]
12 court reporter for violating the laws and rules applicable to the
13 reporter.

14 SECTION 1.023. Sections [154.113](#)(a) and (a-1), Government
15 Code, are amended to read as follows:

16 (a) Except as provided by Section [154.112](#), a person commits
17 an offense if the person engages in court [~~shorthand~~] reporting in
18 violation of Section [154.1001](#), [154.101](#), or [154.1045](#). Each day of
19 violation constitutes a separate offense.

20 (a-1) A person commits an offense if the person provides
21 court [~~shorthand~~] reporting firm services in this state in
22 violation of Section [154.106](#). Each day of violation constitutes a
23 separate offense.

24 SECTION 1.024. Section [154.115](#)(a), Government Code, is
25 amended to read as follows:

26 (a) A court reporter or court [~~shorthand~~] reporting firm may
27 not enter into or provide services under any contractual agreement,

1 written or oral, exclusive or nonexclusive, that:

2 (1) undermines the impartiality of the court reporter;

3 (2) requires a court reporter to relinquish control of
4 an original deposition transcript and copies of the transcript
5 before it is certified and delivered to the custodial attorney;

6 (3) requires a court reporter to provide any service
7 not made available to all parties to an action;

8 (4) gives or appears to give an exclusive advantage to
9 any party; or

10 (5) restricts an attorney's choice in the selection of
11 a court reporter or court [~~shorthand~~] reporting firm.

12 ARTICLE 2. CONFORMING CHANGES

13 SECTION 2.001. Section 322.003(e), Business & Commerce
14 Code, is amended to read as follows:

15 (e) This chapter does not apply to the transmission,
16 preparation, completion, enforceability, or admissibility of a
17 document in any form that is:

18 (1) produced by a court reporter appointed under
19 Chapter 52, Government Code, or a court reporter certified or
20 registered under or a court [~~shorthand~~] reporting firm registered
21 under Chapter 154, Government Code, for use in the state or federal
22 judicial system; or

23 (2) governed by rules adopted by the supreme court,
24 including rules governing the electronic filing system established
25 by the supreme court.

26 SECTION 2.002. Section 21.255(e), Education Code, is
27 amended to read as follows:

1 (e) The school district shall bear the cost of the services
2 of the hearing examiner and certified or registered court
3 [~~shorthand~~] reporter at the hearing and the production of any
4 original hearing transcript. Each party shall bear its respective
5 costs, including the cost of discovery, if any, and attorney's
6 fees.

7 SECTION 2.003. Section 21.256(d), Education Code, is
8 amended to read as follows:

9 (d) The Texas Rules of Evidence apply at the hearing. A
10 certified or registered court [~~shorthand~~] reporter shall record the
11 hearing.

12 SECTION 2.004. Section 21.260, Education Code, is amended
13 to read as follows:

14 Sec. 21.260. RECORDING OF BOARD MEETING AND ANNOUNCEMENT.
15 A certified or registered court [~~shorthand~~] reporter shall record
16 the oral argument under Section 21.258 and the announcement of the
17 decision under Section 21.259. The school district shall bear the
18 cost of the services of the certified or registered court
19 [~~shorthand~~] reporter.

20 SECTION 2.005. Section 21.302(b), Education Code, is
21 amended to read as follows:

22 (b) A hearing under this section shall be recorded by a
23 certified or registered court [~~shorthand~~] reporter.

24 SECTION 2.006. Section 25.1252(h), Government Code, is
25 amended to read as follows:

26 (h) In addition to the lawful fees for transcribing
27 testimony and preparing statements of facts, the official court

1 ~~[shorthand]~~ reporter of the County Court of Jefferson County at Law
2 No. 3 receives the same salary as the official court ~~[shorthand]~~
3 reporter of the County Court of Jefferson County at Law No. 1. The
4 salary shall be paid monthly out of the county treasury on order of
5 the commissioners court.

6 SECTION 2.007. Section 25.2072(g), Government Code, is
7 amended to read as follows:

8 (g) The judge of a county court at law shall appoint an
9 official court ~~[shorthand]~~ reporter for the court. The reporter
10 must have the qualifications required by law for official court
11 ~~[shorthand]~~ reporters. The reporter shall be a sworn officer of the
12 court and shall hold office at the pleasure of the court. The
13 reporter must take the oath required of official court reporters.
14 The official court reporter of a county court at law is entitled to
15 a salary set by the commissioners court. The salary shall be paid
16 out of the county treasury in equal monthly installments.

17 SECTION 2.008. Section 52.048, Government Code, is amended
18 to read as follows:

19 Sec. 52.048. COURT REPORTERS FOR FAMILY LAW MASTERS IN EL
20 PASO. Each El Paso family law master shall appoint an official
21 court ~~[shorthand]~~ reporter to serve that master. The official
22 court ~~[shorthand]~~ reporter must be well skilled in the reporter's
23 ~~[his]~~ profession. The reporter is a sworn officer of the court who
24 holds office at the pleasure of the court.

25 SECTION 2.009. Section 54.755, Government Code, is amended
26 to read as follows:

27 Sec. 54.755. COURT REPORTER. Each judge of the criminal law

1 magistrate court shall appoint an official court [~~shorthand~~
2 reporter to serve that judge. Those official court [~~shorthand~~
3 reporters must be well skilled in their profession. Such a reporter
4 is a sworn officer of the court who holds office at the pleasure of
5 the court.

6 SECTION 2.010. Section 158.013(b), Local Government Code,
7 is amended to read as follows:

8 (b) This subchapter does not apply to:

9 (1) assistant district attorneys, investigators, or
10 other employees of a district or criminal district attorney, except
11 as provided by Section 158.007;

12 (2) the official court [~~shorthand~~] reporter of a
13 court; or

14 (3) an elected or appointed officer under the
15 constitution.

16 SECTION 2.011. Section 1103.512(a), Occupations Code, is
17 amended to read as follows:

18 (a) Contested case proceedings shall be recorded by:

19 (1) mechanical or electrical means; or

20 (2) a certified or registered court [~~shorthand~~]
21 reporter.

22 SECTION 2.012. Section 1104.2131(a), Occupations Code, is
23 amended to read as follows:

24 (a) Contested case proceedings shall be recorded by:

25 (1) mechanical or electrical means; or

26 (2) a certified or registered court [~~shorthand~~]
27 reporter.

1 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

2 SECTION 3.001. As soon as practicable after the effective
3 date of this Act, the Texas Supreme Court shall adopt rules related
4 to the registration of court recorders as required by Section
5 154.1045, Government Code, as added by this Act.

6 SECTION 3.002. This Act takes effect September 1, 2025.