

BILL ANALYSIS

Senate Research Center
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S.B. 179
By: Wentworth
Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In current law, the ownership of a court reporter's shorthand notes and official transcripts based on those notes is not explicitly stated.

As proposed, S.B. 179 amends the Government Code to explicitly state that a court reporter's shorthand notes and official transcript are the property of the court. The clerk of each court is required to preserve these documents for three years and to establish a reasonable transcription fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

- (a) Requires an official court reporter upon request to deliver shorthand notes to the clerk of the court rather than preserve the notes for three years.
- (e) Specifies that shorthand notes of oral testimony and closing arguments are property of the court, and requires the clerk of the court to preserve the notes, and transcripts based on the notes, for three years from the date of the proceeding.

SECTION 2. Amends Section 52.047, Government Code, as follows:

Sec. 52.047. TRANSCRIPTS. (a) Specifies that a person must request a transcript of the evidence in a case from the clerk of the court rather than the official court reporter. Requires the reporter to deliver the transcript on payment of the transcript fee to the court or as provided by Rule 20, Texas Rules of Appellate Procedure, rather than Rule 40(a)(3) or Rule 53(j).

- (b) Requires the clerk of the court to establish the transcription fee. Deletes existing text requiring the judge to determine a reasonable fee if an objection is made regarding the amount.
- (c) Authorizes the court to require the official court reporter to deliver a copy of the transcript to the clerk of the court at no cost to the court. Makes a conforming change.
- (d) Makes a conforming change.
- (e) Deletes existing text relating to the judge setting reasonable fees if an objection is made to the amount of certain fees. Makes conforming changes.
- (f) Requires the court to compensate the court reporter a reasonable amount for transcribing shorthand notes. Deletes existing text requiring the official court

reporter to refund any amount taking certain factors into consideration that exceeds the fee set by the judge.

(g) Specifies that an official court reporter is not entitled to payment if the reporter is required to prepare a transcript in a criminal case in which a transcription fee is prohibited, provided that a substitute court reporter performs the official court reporter's regular duties while the transcript is being prepared. Prohibits a court from charging a fee for the transcript preparation. Makes a conforming change.

(h) Redesignates existing text as Subsection (h). Deletes existing text referring to this subsection and instead refers to the section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.