

SENATE BILL REPORT

SHB 1111

As Reported by Senate Committee On:
Law & Justice, February 26, 2016

Title: An act relating to court transcripts.

Brief Description: Concerning court transcripts.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kilduff, Stokesbary, Walkinshaw, Goodman, Gregerson, Jinkins, Muri, Rodne and Moeller; by request of Board For Judicial Administration).

Brief History: Passed House: 2/12/15, 97-0.; 2/17/16, 98-0.

Committee Activity: Law & Justice: 2/26/16, 2/26/16 [DP].

Brief Summary of Substitute Bill

- Provides that certified court reporters and authorized transcriptionists (in addition to official court reporters) may make official transcripts of testimony and other court proceedings, and states that official reports transcribed from electronic recordings qualify as prima facie correct statements of testimony or proceedings.
- Exempts transcripts requested for appellate cases from the requirement that transcripts of testimony and proceedings must be filed with the trial court.
- Makes the Administrator for the Courts a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.
- Modifies terminology regarding storage mediums for duplicated recordings of court proceedings.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Aldo Melchiori (786-7439)

Background: Court rules and statutes related to court operations are periodically revised to meet the courts' administrative needs and recognize updated technologies. Currently, superior courts have discretion to record testimony by stenographic, electronic, or mechanical devices.

Courts of limited jurisdiction must record proceedings electronically. By statute, the Office of Administrator of the Courts (OAC) supervises the selection, installation, and operation of any electronic recording equipment in courts of limited jurisdiction. A \$25 statutory fee is charged for each video tape or other electronic storage medium of duplicated recordings of court proceedings.

Recently, a number of amendments were made to the court rules pertaining to electronic recording and transcription of court proceedings. Among the changes is a new court rule defining "authorized transcriptionist" as a person approved by a superior court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding. The rule contains minimum requirements for authorized transcriptionists, which are that the person must: (a) be certified as a court reporter; (b) be certified by the American Association of Electronic Reporters and Transcribers; or (c) have completed a one-year supervised mentorship with a certified court reporter or authorized transcriptionist. Other amendments to the court rules require filing a report of proceedings for purposes of appeal to the appellate court, rather than the court in which the trial was held.

Summary of Bill: In addition to official court reporters employed by the court, certified court reporters and authorized transcriptionists may make official transcripts of testimony or proceedings. An official report of an electronically recorded proceeding prepared by a certified court reporter or an authorized transcriptionist has the same status as the report of an official court reporter, and is considered a prima facie correct statement of the testimony or oral proceedings.

The requirement to file a transcript of proceedings with the trial court is amended to make an exception for transcripts requested for an appellate case. The \$25 fee for duplicated recordings of a court's proceedings is a fee for duplication of a "video" rather than a "video tape."

The AOC is a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This modernizes the statutes and promotes efficiency. It removes obsolete references to videotapes. It earned unanimous support from the Court Management Council and the BJA. The issues identified by the Washington Court Reporters Association have been addressed by the substitute bill.

OTHER: The bill creates a discrepancy in the law that would allow a court reporter to be certified by the state, but still not be allowed to transcribe an official transcript. At the same time, a transcriptionist who is not certified by the state would be allowed to practice court reporting by approval and placement on a county's approved list.

Persons Testifying: PRO: Representative Kilduff, prime sponsor; Melani McAleenan, BJA

CON: None

OTHER: Elizabeth Harvey, Washington Court Reporters Association

Persons Signed In To Testify But Not Testifying: No one.