

A Bill for an Act Relating to Court Reporters.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 606, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“§606- Definitions. As used in this chapter, unless the context indicates otherwise:

“Certified shorthand reporter” means a shorthand reporter certified by the Hawaii supreme court through the Hawaii board of certified shorthand reporters.

“Official court reporter” means a certified shorthand reporter employed by the courts of the State to provide court reporting services.

“Private court reporter” means a certified shorthand reporter who offers services on a freelance basis and who is not employed by the courts of the State.

§606- Private court reporters; contracts. (a) Any contract for private court reporting services, not related to a particular case or reporting incident, shall be prohibited between a private court reporter or any other person with whom a private court reporter has a principal and agency relationship, and any attorney, party to an action, party having a financial interest in an action, or any entity providing the services of a certified shorthand reporter. Negotiating or bidding reasonable fees, equal to all parties, on a case-by-case basis may not be prohibited.

(b) Violation of this section shall be grounds for discipline, censure, or suspension or revocation of licensure.

§606- Official court reporters’ notes; ownership. All official court reporters’ notes shall be the property of the State.”

SECTION 2. Section 606-12, Hawaii Revised Statutes, is amended to read as follows:

“§606-12 Duties of official court reporters. The duties of each official court reporter shall be to attend [upon] sessions of the court and [write down all] take verbatim notes of all oral proceedings before the court, including the testimony of witnesses [in shorthand, together with the proceedings and], objections of counsel, [exclusive of argument, the] offers of proof, arguments of counsel, rulings of the court, charge to the jury, verdict of the jury, and any other matter which the court may require the official court reporter to report. The official court reporter may be called upon at any time during a hearing, by any party to the same or by the court, to read aloud any portion of the official court reporter’s notes theretofore taken by the official court reporter. The official court reporter may be referred to at any time by the clerk of the court for the exact language of any orders from the bench. In any hearing of probate of will or administration matter the judge may, in the judge’s discretion, order the official court reporter to supply and file, without charge and within a reasonable time, a certified statement of such testimony as relates to the names, ages, and genealogies of heirs. Other appropriate duties for the official court reporters to perform may be prescribed by rule of court.

Each official court reporter shall file the official court reporter’s [shorthand] notes in a suitable filing case provided for that purpose, and, when requested by any party to a cause and so directed by the court, or by the court of its own motion, shall, within [such] a reasonable time thereafter as the court may designate, furnish a

certified transcript of the official court reporter's notes, or any portion thereof, taken in the cause, upon the payment of the fee fixed in section 606-13. The official court reporter may furnish a transcript of any of the official court reporter's notes, where the same is not intended for the purposes of appeal to the supreme court, upon the request of any party, without the order of the judge therefore first obtained.

In an ex parte or uncontested case if there is no official court reporter in attendance, the court may direct the clerk to take notes of the oral evidence adduced or the judge may [oneself] personally take [such] notes or may cause the oral evidence to be preserved on tape or by another mechanical device."

SECTION 3. Section 606-13, Hawaii Revised Statutes, is amended to read as follows:

"§606-13 Salary and perquisites of official court reporters. Each official court reporter shall receive for [his] services as prescribed in section 606-12 the salary that may be appropriated from time to time as compensation for [his] the official court reporter's services in court. [He may also charge for his services a fee not to exceed \$1.50 per twenty-five line page for the original ribbon copy of transcripts of testimony and proceedings and 60 cents per twenty-five line page for each carbon copy thereof made at the same time when such transcripts are prepared in their regular order for the purposes of appeal to the supreme court and a fifty per cent additional fee for expedited service when transcripts are prepared during the course of a trial.] Each official court reporter may charge and collect fees for transcripts requested by the parties, including state courts, pursuant to rules promulgated by the supreme court through its rule making authority. The fees for transcripts ordered by a party shall be paid by the party ordering the same and, except in the case of the attorney general, the public defender, or the county or prosecuting attorneys or corporation counsels, no official court reporter shall be required to perform any such service until [his] the fees have been paid or the amount of the estimated cost of the fees deposited with the clerk of the court.

Where the court, of its own motion, orders a transcript to be prepared of the whole or any part of the testimony in a civil cause, it may, in its discretion, direct the payment of the charges therefor, and the taxation of the same as costs, in such manner as to it may seem just. Where the attorney general, the public defender, or the county or prosecuting attorney or corporation counsel, desires transcripts for [his own] official use, either original or [carbon] copy, the official court reporter may be paid for same by warrant upon the treasury of the State or county, as the case may be.

[When a transcript is prepared from a tape, or other record of the testimony and proceedings made by a mechanical device, the transcript fees shall be those applicable when a transcript is prepared by an official court reporter from his notes. A transcript not prepared by an official court reporter shall be certified by a clerk of the court.

The reporter] Official court reporters or other [person] persons preparing transcripts shall provide, at [his] their own expense, all [typewriting paper and carbon paper necessary] supplies directly related to the preparation thereof."

SECTION 4. Section 606-9, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 606-10, Hawaii Revised Statutes, is repealed.

SECTION 6. Section 606-11, Hawaii Revised Statutes, is repealed.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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SECTION 8. This Act shall take effect on July 1, 1996.

(Approved June 17, 1996.)

Note

1. Edited pursuant to HRS §23G-16.5.