

ASSEMBLY BILL NO. 545—COMMITTEE ON JUDICIARY

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning fees charged by reporter of district court.
(BDR 1-1091)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to district courts; increasing the fees charged by a reporter of a district court; establishing fees for a reporter of a district court who provides an instantaneous translation of testimony into English and a diskette containing the translation; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 3.370 is hereby amended to read as follows:
2 3.370 1. ~~For~~ ***Except as otherwise provided in subsection 3, for*** his
3 services the official reporter or reporter pro tempore is entitled to the
4 following fees:
5 (a) For being available to report civil and criminal testimony and
6 proceedings when the court is sitting during traditional business hours on
7 any day except Sunday, ~~[\$140]~~ ***\$150*** per day, to be paid by the county as
8 provided in subsection ~~3.~~ ***4.***
9 (b) For being available to report civil and criminal testimony and
10 proceedings when the court is sitting beyond traditional business hours or
11 on Sunday:
12 (1) If the reporter has been available to report for at least 4 hours,
13 ~~[\$30]~~ ***\$35*** per hour for each hour of availability; or
14 (2) If the reporter has been available to report for fewer than 4 hours,
15 a pro rata amount based on the daily rate set forth in paragraph (a),
16 to be paid by the county as provided in subsection ~~3.~~ ***4.***

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), ~~[\$3.25]~~ *for the original draft and any copy to be delivered:*

(I) *Within 24 hours after it is requested, \$7.10 per page for the original draft and one copy, and \$1.10 per page for each additional copy;*

(II) *Within 48 hours after it is requested, \$5.32 per page for the original draft and one copy, and 83 cents per page for each additional copy;*

(III) *Within 4 days after it is requested, \$4.43 per page for the original draft and one copy, and 69 cents per page for each additional copy; or*

(IV) *More than 4 days after it is requested, \$3.55 per page for the original draft and one copy, and ~~[50]~~ 55 cents per page for each additional copy. ~~[to the party ordering the original draft.]~~*

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, ~~[\$2.50]~~ *for the original draft and any copy to be delivered:*

(I) *Within 24 hours after it is requested, \$5.50 per page and \$1.10 per page for each additional copy;*

(II) *Within 48 hours after it is requested, \$4.13 per page and 83 cents per page for each additional copy;*

(III) *Within 4 days after it is requested, \$3.44 per page and 69 cents per page for each additional copy; or*

(IV) *More than 4 days after it is requested, \$2.75 per page and ~~[50]~~ 55 cents per page for each additional copy.*

(3) For any party other than the party ordering the original draft, ~~[50]~~ *for the copy of the draft to be delivered:*

(I) *Within 24 hours after it is requested, \$1.10 per page;*

(II) *Within 48 hours after it is requested, 83 cents per page;*

(III) *Within 4 days after it is requested, 69 cents per page; or*

(IV) *More than 4 days after it requested, 55 cents per page.*

(d) For reporting all civil matters, in addition to the ~~[salary]~~ *fees* provided in paragraphs (a) and (b), \$20 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection ~~[4.]~~ 5.

(e) *For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:*

(1) *Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the fees provided pursuant to paragraphs (a) and (b), \$140 for the first day and \$90 per day for each subsequent day from the party who makes the request. This additional fee must be paid by the county as provided*

1 *pursuant to subsection 4 only if the court issues an order granting the*
2 *translation service to the prosecuting attorney or to an indigent*
3 *defendant who is represented by a county or state public defender.*

4 *(2) In all civil matters in which a party requests such a translation,*
5 *in addition to the fees provided pursuant to paragraphs (a), (b) and (d),*
6 *\$140 for the first day and \$90 per day for each subsequent day, to be paid*
7 *by the party who requests the translation.*

8 *(f) For providing a diskette containing testimony prepared from a*
9 *translation provided pursuant to paragraph (e):*

10 *(1) Except as otherwise provided in this subparagraph, in all*
11 *criminal matters in which a party requests the diskette and the reporter*
12 *agrees to provide the diskette, in addition to the fees provided pursuant to*
13 *paragraphs (a), (b) and (e), \$1.50 per page of the translation contained*
14 *on the diskette from the party who makes the request. This additional fee*
15 *must be paid by the county as provided pursuant to subsection 4 only if*
16 *the court issues an order granting the diskette to the prosecuting attorney*
17 *or to an indigent defendant who is represented by a county or state public*
18 *defender.*

19 *(2) In all civil matters in which a party requests the diskette and the*
20 *reporter agrees to provide the diskette, in addition to the fees provided*
21 *pursuant to paragraphs (a), (b), (d) and (e), \$1.50 per page of the*
22 *translation contained on the diskette, to be paid by the party who requests*
23 *the diskette.*

24 **2.** For the purposes of ~~{this subsection,}~~ **subsection 1**, a page is a sheet
25 of paper 8 1/2 by 11 inches. The left margin must not be more than 1 1/2
26 inches from the left edge of the paper. The right margin must not be more
27 than three-fourths of an inch from the right edge of the paper. Each sheet
28 must be numbered on the left margin and must contain at least 24 lines of
29 type. The first line of each question and of each answer may be indented
30 not more than five spaces from the left margin. The first line of any
31 paragraph or other material may be indented not more than 10 spaces from
32 the left margin. There must not be more than one space between words or
33 more than two spaces between sentences. The type size must not be larger
34 than 10 characters per inch. The lines of type may be double spaced or one
35 and one-half spaced.

36 ~~{2.}~~ **3.** If the services of more than one reporter are required by the
37 court in a criminal proceeding, each reporter is entitled to receive ~~{the}~~ :

38 *(a) The* fees set forth in paragraphs (a) and (b) of subsection 1, as
39 appropriate ~~{. Each reporter in a criminal proceeding is entitled to receive~~
40 ~~an additional}~~ ; and

41 *(b) A fee equal to one-half of* ~~{the fee to which he is entitled pursuant to~~
42 ~~paragraph (c) of subsection 1}~~ *\$3.55 per page for the original draft and*
43 *one copy, and one-half of 55 cents per page for each additional copy* for

1 transcribing a proceeding of which the transcripts are ordered by the court
2 to be delivered on or before the start of the next day the court is scheduled
3 to conduct business.

4 ~~{3.}~~ 4. The fees specified in paragraphs (a) and (b) of subsection 1, the
5 fees for transcripts in criminal cases ordered by the court to be made , *the*
6 *fees in criminal cases that are ordered by the court pursuant to*
7 *subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph*
8 *(f) of subsection 1* and the fees specified in subsection ~~{2}~~ 3 must be paid
9 out of the county treasury upon the order of the court. When there is no
10 official reporter in attendance and a reporter pro tempore is appointed, his
11 reasonable expenses for traveling and detention must be fixed and allowed
12 by the court and paid in the same manner. The respective district judges
13 may, with the approval of the respective board or boards of county
14 commissioners within the judicial district, fix a monthly salary to be paid
15 to the official reporter in lieu of per diem. The salary, and also actual
16 traveling expenses in cases where the reporter acts in more than one
17 county, must be prorated by the judge on the basis of time consumed by
18 work in the respective counties and must be paid out of the respective
19 county treasuries upon the order of the court.

20 ~~{4.}~~ 5. In civil cases the fees prescribed in paragraph (d) of subsection
21 1 and for transcripts ordered by the court to be made must be paid by the
22 parties in equal proportions, and either party may, at his option, pay the
23 whole fee. In either case all amounts so paid by the party to whom costs
24 are awarded must be taxed as costs in the case. The fees for transcripts and
25 copies ordered by the parties must be paid by the party ordering them. No
26 reporter may be required to perform any service in a civil case until his
27 fees have been paid to him or deposited with the clerk of the court.

28 ~~{5.}~~ 6. Where a transcript is ordered by the court or by any party, the
29 fees for it must be paid to the clerk of the court and by him paid to the
30 reporter upon the furnishing of the transcript.

31 ~~{6.}~~ 7. The testimony and proceedings in an uncontested divorce
32 action need not be transcribed unless requested by a party or ordered by
33 the court.