

ASSEMBLY BILL NO. 446—COMMITTEE ON JUDICIARY

MARCH 25, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Provides for use of voice writing by court reporters.
(BDR 54-1095)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 reporting; expanding the definition of “practice of court reporting” to include reporting by the use of voice writing; expanding the definition of “stenographic notes” to include certain records produced by voice writing; revising the circumstances under which a person who has received a passing grade on an examination for certified verbatim reporters may be admitted for examination in this State for a certified court reporter’s certificate; requiring an official reporter to make a record of certain proceedings; 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 656.030 is hereby amended to read as follows:
2 656.030 As used in this chapter, unless the context otherwise
3 requires:
4 1. “Board” means the Certified Court Reporters’ Board of
5 Nevada.
6 2. “Certificate” means a certified court reporter’s certificate
7 issued under the provisions of this chapter.
8 3. “Court reporter” means a person who is technically qualified
9 and registered under this chapter to practice court reporting.



1 4. "Court reporting firm" means a person who, for
2 compensation, provides or arranges for the services of a court
3 reporter or provides referral services for court reporters.

4 5. "License" means a license issued under the provisions of
5 this chapter to conduct business as a court reporting firm.

6 6. "Practice of court reporting" means reporting by the use of
7 **voice writing or** any system of manual or mechanical shorthand
8 writing:

9 (a) Grand jury proceedings;

10 (b) Court proceedings;

11 (c) Pretrial examinations, depositions, motions and related
12 proceedings of like character; or

13 (d) Proceedings of an administrative agency if the final decision
14 of the agency with reference thereto is subject to judicial review.

15 7. "Stenographic notes" means ~~the~~ :

16 (a) **The** original manually or mechanically produced notes in
17 shorthand or shorthand writing taken by a court reporter while in
18 attendance at a proceeding to report the proceeding ~~the~~ ; or

19 (b) **The record produced by the use of voice writing by the**
20 **court reporter while in attendance at that proceeding.**

21 8. "Voice writing" means the making of a verbatim record of
22 a proceeding by repeating the words of the speaker into a device
23 that is capable of:

24 (a) **Digitally translating the words into text; or**

25 (b) **Making a tape or digital recording of those words.**

26 **Sec. 2.** NRS 656.170 is hereby amended to read as follows:

27 656.170 1. Examinations must be held no less than twice a
28 year at such times and places as the Board may designate.

29 2. No person may be admitted to the examination unless he
30 first presents satisfactory evidence to the Board that he has:

31 (a) Received a passing grade on the National Court Reporters
32 Association's examination for registered professional reporters;

33 (b) A certificate of satisfactory completion of a prescribed
34 course of study from a school for court reporters which includes
35 English grammar, reading, spelling and vocabulary, medical and
36 legal terminology, transcription, and court reporting at 200 words
37 per minute with an accuracy of 97.5 percent;

38 (c) A certificate as a registered professional reporter or a
39 certificate of merit from the National Court Reporters Association;

40 (d) A valid certificate or license to practice court reporting
41 issued by another state; ~~the~~

42 (e) One year of continuous experience as a full-time court
43 reporter using **voice writing or** any system of manual or mechanical
44 shorthand writing ~~the~~ ; or



(f) Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters.

Sec. 3. NRS 656.335 is hereby amended to read as follows:

656.335 A court reporter shall retain his **stenographic** notes ~~or the official verbatim records~~, whether or not transcribed, for 8 years if ~~they~~ **the notes or records** concern any matter subject to judicial review. ~~These~~ **The notes or records** must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.

Sec. 4. NRS 3.320 is hereby amended to read as follows:

3.320 1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and examinations of the appointee, one certified court reporter, to be known as official reporter of the court or department and to hold office during the pleasure of the judge appointing him. The appointee may be any business organization if the person representing it, who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, ~~take down in shorthand~~ **make a record of** all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) If directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, write out the ~~shorthand copy,~~ **record**, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine. The reporter shall certify to that copy as being correctly reported and transcribed, and, when directed by the law or court, file it with the clerk of the court.

Sec. 5. NRS 3.380 is hereby amended to read as follows:

3.380 1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings,



1 exceptions, arraignments, pleas, sentences, statements and remarks
2 made by the district attorney or judge, oral instructions given by the
3 judge and any other proceedings occurring in civil or criminal
4 actions or proceedings, or special proceedings whenever and
5 wherever and to the same extent as any of such proceedings have
6 heretofore under existing statutes been recorded by the official
7 reporter or any special reporter or any reporter pro tempore
8 appointed by the court.

9 2. For the purpose of operating such sound recording
10 equipment the court or judge may appoint or designate the official
11 reporter or a special reporter or reporter pro tempore or the county
12 clerk or clerk of the court or deputy clerk. The person so operating
13 such sound recording equipment shall subscribe to an oath that he
14 will well and truly operate the equipment so as to record all of the
15 matters and proceedings.

16 3. The court may then designate the person operating such
17 equipment or any other competent person to read the recording and
18 to transcribe it into typewriting. The person transcribing the
19 recording shall subscribe to an oath that he has truly and correctly
20 transcribed it.

21 4. The transcript may be used for all purposes for which
22 transcripts have heretofore been received and accepted under then
23 existing statutes, including transcripts of testimony and transcripts
24 of proceedings as constituting bills of exceptions or part of the bill
25 of exceptions on appeals in all criminal cases and transcripts of the
26 evidence or proceedings as constituting the record on appeal in civil
27 cases and including transcripts of preliminary hearings before
28 justices of the peace and other committing magistrates, and are
29 subject to correction in the same manner as transcripts under
30 existing statutes.

31 5. In civil and criminal cases when the court has ordered the
32 use of such sound recording equipment, any party to the action, at
33 his own expense, may provide a certified court reporter to ~~take~~
34 ~~down in shorthand~~ *make a record of* and transcribe all the matters
35 of the proceeding. In such a case, the record prepared by sound
36 recording is the official record of the proceedings, unless it fails or
37 is incomplete because of equipment or operational failure, in which
38 case the record prepared by the certified court reporter shall be
39 deemed, for all purposes, the official record of the proceedings.

40 **Sec. 6.** This act becomes effective on January 1, 2006.

