

Amendment No. 45

Assembly Amendment to Assembly Bill No. 55

(BDR 54-765)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

RRY/RBL



Date: 4/4/2007

A.B. No. 55—Provides for the use of voice writing by court reporters.

(BDR 54-765)



ASSEMBLY BILL NO. 55—COMMITTEE ON COMMERCE AND LABOR

PREFILED FEBRUARY 1, 2007

Referred to Committee on Judiciary

SUMMARY—~~[Provides for the use of voice writing by]~~ Makes various changes concerning court reporters. (BDR 54-765)

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 court 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; establishing designations for certain court reporters; authorizing the use of certain abbreviations by certain court reporters; prohibiting certified court reporters-voice writers from practicing court reporting by using any method of court reporting other than voice writing; requiring an official reporter to make a record of certain proceedings; exempting certain persons who operate sound recording equipment or transcribe sound recordings from the requirement to be a certified court reporter; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the certification of court reporters. (Chapter 656 of NRS) **Section 1** of this bill expands the definition of “practice of court reporting” to include the making of a verbatim record of a court proceeding by speaking into a device that either digitally translates the words into text or makes a tape or digital recording of the words. **Section 1** also expands the definition of “stenographic notes” to include such a record. Existing law requires applicants for certification as court reporters to have fulfilled one of a number of specified obligations before being permitted to take the certification test. (NRS 656.170) **Section 2** of this bill allows a person ~~[who]~~ to take the certification test if the person has passed an examination administered by the National Verbatim Reporters Association [to take the certification test.] or the National Court Reporters Association or has received a certificate from either association, and the examination or certificate has been approved by the Certified Court Reporters’ Board of Nevada.

Current law requires a person who has been issued a certificate of registration as a certified court reporter to be designated a “certified court reporter” and authorizes such a person to use the abbreviation “C.C.R.” in connection with the practice of court reporting. (NRS 656.310) **Section 3** of this bill provides that a person who only used voice writing

technology to pass the court reporter test be designated a “certified court reporter-voice writer,” and that such a person may use the abbreviation “C.C.R.-V.,” may not use the abbreviation “C.C.R.,” and may only use voice writing in the practice of court reporting.

Existing law authorizes a court or judge to appoint or designate certain persons to operate sound recording equipment used to record certain civil and criminal proceedings and certain persons to read and transcribe the recording. (NRS 3.380) Section 5 of this bill provides that each such person appointed or designated to operate sound recording equipment or to transcribe a recording is not required to be a certified court reporter.

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

Section 1. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. “Board” means the Certified Court Reporters’ Board of Nevada.

2. “Certificate” means a certified court reporter’s certificate issued under the provisions of this chapter.

3. ~~“Court reporter”~~ **“Certified court reporter” or “court reporter”** means a person who is technically qualified and registered under this chapter to practice court reporting.

4. “Court reporting firm” means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters.

5. “Designated representative of a court reporting firm” means the person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

6. “License” means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

7. “Licensee” means a person to whom a license has been issued.

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

(a) Grand jury proceedings;

(b) Court proceedings;

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

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

9. “Stenographic notes” means ~~the~~ :

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

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

10. **“Voice writing” means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:**

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

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

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

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

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

(a) Received a passing grade on the National Court Reporters Association's examination for registered professional reporters ~~if, if the Board has approved the examination;~~

(b) Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters, if the Board has approved the examination;

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

~~(d)~~ (d) A certificate as a registered professional reporter or a certificate of merit from the National Court Reporters Association ~~if~~

~~(d)~~ , if the Board has approved each such certificate;

(e) A certificate as a certified verbatim reporter or a certificate of merit from the National Verbatim Reporters Association, if the Board has approved each such certificate;

(f) A valid certificate or license to practice court reporting issued by another state; ~~or~~

~~(e)~~ (g) One year of continuous experience as a full-time court reporter using voice writing ~~or~~ any system of manual or mechanical shorthand writing ~~or~~

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

Sec. 3. NRS 656.310 is hereby amended to read as follows:

656.310 1. ~~(Every)~~ Except as otherwise provided in subsection 2, each person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter ~~must~~ :

(a) Must be designated as a certified court reporter ~~and not otherwise, and any such registered certified court reporter may;~~ ;

(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R." ; ~~and~~

(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V."

2. Each person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS 656.160 through the use of voice writing:

(a) Must be designated as a certified court reporter-voice writer;

(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V.";

(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R." ; and

(d) Shall engage in the practice of court reporting only through the use of voice writing.

3. No person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," ~~or "C.C.R.,"~~ "certified court reporter-voice writer," "C.C.R." or "C.C.R.-V.," either directly or indirectly, in connection with his profession or business.

~~(2)~~ 4. Every holder of a certificate shall place the number of his certificate:

(a) On the cover page and certificate page of all transcripts of proceedings; and

(b) On all business cards.

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

1 examinations of the appointee, one certified court reporter, to be known as official
2 reporter of the court or department and to hold office during the pleasure of the
3 judge appointing him. The appointee may be any business organization if the
4 person representing it, who actually performs the reporting service, is a certified
5 court reporter.

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

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

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

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

22 3.380 1. The judge or judges of any district court may, with the approval of
23 the board of county commissioners of any one or more of the counties comprising
24 such district, in addition to the appointment of a court reporter as in this chapter
25 provided, enter an order for the installation of sound recording equipment for use in
26 any of the instances recited in NRS 3.320, for the recording of any civil and
27 criminal proceedings, testimony, objections, rulings, exceptions, arraignments,
28 pleas, sentences, statements and remarks made by the district attorney or judge, oral
29 instructions given by the judge and any other proceedings occurring in civil or
30 criminal actions or proceedings, or special proceedings whenever and wherever and
31 to the same extent as any of such proceedings have heretofore under existing
32 statutes been recorded by the official reporter or any special reporter or any reporter
33 pro tempore appointed by the court.

34 2. For the purpose of operating such sound recording equipment, the court or
35 judge may appoint or designate the official reporter or a special reporter or reporter
36 pro tempore or the county clerk or clerk of the court or deputy clerk. The person so
37 operating such sound recording equipment **is not required to be a certified court**
38 **reporter and** shall subscribe to an oath that he will well and truly operate the
39 equipment so as to record all of the matters and proceedings.

40 3. The court may then designate the person operating such equipment or any
41 other competent person to read the recording and to transcribe it into typewriting.
42 The person transcribing the recording **is not required to be a certified court**
43 **reporter and** shall subscribe to an oath that he has truly and correctly transcribed it.

44 4. The transcript may be used for all purposes for which transcripts have
45 heretofore been received and accepted under then existing statutes, including
46 transcripts of testimony and transcripts of proceedings as constituting bills of
47 exceptions or part of the bill of exceptions on appeals in all criminal cases and
48 transcripts of the evidence or proceedings as constituting the record on appeal in
49 civil cases and including transcripts of preliminary hearings before justices of the
50 peace and other committing magistrates, and are subject to correction in the same
51 manner as transcripts under existing statutes.

52 5. In civil and criminal cases when the court has ordered the use of such
53 sound recording equipment, any party to the action, at his own expense, may

1 provide a certified court reporter to ~~take down in shorthand~~ *make a record of* and
2 transcribe all the matters of the proceeding. In such a case, the record prepared by
3 sound recording is the official record of the proceedings, unless it fails or is
4 incomplete because of equipment or operational failure, in which case the record
5 prepared by the certified court reporter shall be deemed, for all purposes, the
6 official record of the proceedings.

7 **Sec. 6.** This act becomes effective on July 1, 2007.