

House File 524 - Introduced

HOUSE FILE 524
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 105)

A BILL FOR

1 An Act relating to the certification and regulation of
2 shorthand reporters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.3105, Code 2015, is amended to read
2 as follows:

3 **602.3105 Applications.**

4 Applications for certification shall be on forms prescribed
5 and furnished by the board and the board shall not require that
6 the application contain a photograph of the applicant. An
7 applicant shall not be denied certification because of age,
8 citizenship, sex, race, religion, marital status, or national
9 origin although the application may require citizenship
10 information. ~~The board may consider the past felony record of~~
11 ~~an applicant.~~ Character references may be required, but shall
12 not be obtained from certified shorthand reporters.

13 **Sec. 2. NEW SECTION. 602.3108 Certification.**

14 The board may issue a certificate to a person of good
15 moral character and fitness who makes application on a form
16 prescribed and furnished by the board and who satisfies the
17 education, experience, and examination requirements of this
18 article and rules prescribed by the supreme court pursuant to
19 this article. The board may consider the applicant's past
20 record of any felony conviction and the applicant's past
21 record of disciplinary action with respect to certification
22 as a shorthand reporter in any jurisdiction. The board
23 may deny certification if the board finds the applicant has
24 committed any of the acts listed in section 602.3203 or has
25 made a false statement of material fact on the application for
26 certification.

27 **Sec. 3.** Section 602.3203, Code 2015, is amended by adding
28 the following new subsection:

29 **NEW SUBSECTION. 8. Noncompliance with section 602.3204.**

30 **Sec. 4. NEW SECTION. 602.3204 Transcript integrity.**

31 A certified shorthand reporter taking a deposition, or any
32 other person with whom the certified shorthand reporter has a
33 principal-agent or employer-employee relationship, shall not
34 enter into an agreement for reporting services that requires
35 the certified shorthand reporter to relinquish control of an

1 original deposition transcript and copies of the transcript
2 before it is certified and delivered to the custodial attorney.

3 Sec. 5. NEW SECTION. 602.3205 Transcript work product.

4 A certified shorthand reporter's written shorthand notes,
5 stenography notes, and audio and digital recordings used solely
6 for the purpose of providing a verbatim written transcript of a
7 court proceeding or a proceeding conducted in anticipation of
8 use in a court proceeding shall be considered work product of
9 the certified shorthand reporter, shall be kept confidential,
10 and are not subject to discovery, production, or subpoena.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the certification and regulation of
15 shorthand reporters (court reporters).

16 Current law provides that a shorthand reporter shall
17 not engage in the profession of shorthand reporting unless
18 the person is certified. The bill expands the criteria for
19 obtaining such a certification. Under the bill, the board
20 of examiners of shorthand reporters may issue a certificate
21 to a person of good moral character and fitness who makes
22 application on a form prescribed and furnished by the board
23 and who satisfies the education, experience, examination
24 requirements, and rules prescribed by the supreme court. The
25 bill specifies that the board may consider the applicant's
26 past record of any felony conviction and the applicant's past
27 record of disciplinary action with respect to certification.
28 The bill further specifies that the board of examiners of
29 shorthand reporters may deny certification if the board finds
30 the applicant has committed any of the acts listed in Code
31 section 602.3203 or has made a false statement of material fact
32 on the application for certification.

33 The bill expands the conditions under which the board of
34 examiners of shorthand reporters may revoke or suspend the
35 certification of a shorthand reporter to include noncompliance

1 with new Code section 602.3204 relating to transcript integrity
2 as created in the bill.

3 New Code section 602.3204 is created to prohibit a shorthand
4 reporting services agreement from requiring a certified
5 shorthand reporter to relinquish control of an original
6 deposition transcript and copies of the transcript before it is
7 certified and delivered to the custodial attorney.

8 New Code section 602.3205 is created to keep confidential
9 a shorthand reporter's written shorthand notes, stenography
10 notes, and audio and digital recordings used solely to provide
11 a written transcript of a court proceeding or a proceeding
12 conducted in anticipation of use in a court proceeding. New
13 Code section 602.3205 provides that such shorthand reporter's
14 work product is not subject to discovery, production, or
15 subpoena.