

Senate File 404 - Introduced

SENATE FILE 404
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1089)

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 audio recordings used
5 solely for the purpose of providing a verbatim written
6 transcript of a court proceeding or a proceeding conducted in
7 anticipation of use in a court proceeding shall be considered
8 the personal property and private work product of the certified
9 shorthand reporter.

10

EXPLANATION

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

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

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

32 The bill expands the conditions under which the board of
33 examiners of shorthand reporters may revoke or suspend the
34 certification of a shorthand reporter to include noncompliance
35 with new Code section 602.3204 relating to transcript integrity

1 as created in the bill.

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

7 New Code section 602.3205 is created to specify that a
8 shorthand reporter's audio recordings used solely to provide
9 a written transcript of a court proceeding or a proceeding
10 conducted in anticipation of use in a court proceeding are
11 considered the shorthand reporter's personal property and
12 private work product.