

BILL ANALYSIS

Senate Research Center

S.B. 1223
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Jurisprudence
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DIGEST AND PURPOSE

Currently, Chapter 52 of the Government Code sets out provisions governing the registration, certification and operation of court reporters in Texas. As proposed, S.B. 1223 amends those provisions to establish a registration system for court reporting firms and amends provisions regarding the composition of the Court Reporters Certification Board to include representatives from certified shorthand reporter-owned firms and non certified shorthand reporter-owned firms.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the supreme court in SECTION 3 (Section 52.002, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 52, Government Code, as follows:

CHAPTER 52. New heading: COURT REPORTERS AND SHORTHAND
REPORTING FIRMS

SECTION 2. Amends Section 52.001, Government Code, by adding Subdivisions (6) and (7), to define “shorthand reporting firm,” “court reporting firm,” “affiliate office,” and “registration.

SECTION 3. Amends Section 52.002, Government Code, to authorize the supreme court to adopt rules consistent with this chapter, including rules governing the certification and conduct of official and deputy court reporters and shorthand reporters, and the registration and conduct of court reporting and shorthand reporting firms.

SECTION 4. Amends Section 52.011, Government Code, to provide that the Court Reporters Certification Board (board) is appointed by the supreme court and is composed of certain persons, including two unrelated non Certified Shorthand Reporter-owned firm representatives whose firms have operated as shorthand reporting firms in this state for more than the three years immediately preceding their appointment to the board, one Certified Shorthand Reporter-owned firm representative that has operated as a shorthand reporting firm in this state for more than the three years immediately preceding the appointment to the board, and three public members who are citizens of this state. Makes a nonsubstantive change.

SECTION 5. Amends Section 52.012(b), Government Code, to provide that eight, rather than five, members of the board constitute a quorum.

SECTION 6. Amends Sections 52.013(a) and (c), Government Code, to set forth certain actions required of the board. Sets forth information the board is required to maintain complete record.

SECTION 7. Amends Subchapter C and Section 52.021, Government Code, as follows:

SUBCHAPTER C. New heading: CERTIFICATION OF REPORTERS

Section 52.021. New heading: CERTIFICATION OF REPORTERS.

SECTION 8. Amends Sections 52.021(g), (h), and (i), Government Code, to authorize the board to enforce this section by seeking an injunction or by filing a complaint against any, rather than a, person who is not certified by the supreme court in the district court of the county in which that person resides or in Travis County. Deletes existing Subsection (h) and (i) regarding registration with the board and rules applicable to a court reporting firm.

SECTION 9. Amends Chapter 52C, Government Code, by inserting a new Section 52.026, as follows:

Sec. 52.026. FIRM REGISTRATION. (a) Prohibits a firm from assuming, offering services or using the title or designation “court recording firm,” “court reporting firm,” “shorthand reporting firm,” or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the firm is a court reporting firm or shorthand reporting firm, unless that firm and its affiliate offices are registered with the board, on a form prescribed by the board, as required by this Chapter.

(b) Authorizes the board to enforce this section by seeking an injunction or by filing a complaint against a firm, its affiliate office, or both that are not registered with the board in the district court of the county in which the firm or affiliate office is located or in Travis County. Requires that the action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. Requires the board to be represented by the attorney general, the county or district attorney of this state, or the attorney general and the county or district attorney of this state, or counsel designated and empowered by the board.

Redesignates Sections 52.026 - 52.029 as Sections 52.027 - 52.030

SECTION 10. Amends Sections 52.027 and 52.028, Government Code, as follows:

Sec. 52.027. New heading: REPORTER CERTIFICATION AND FIRM REGISTRATION FEE AND RENEWAL. Requires that a person who receives certification as a shorthand reporter or a shorthand reporting firm that is registered by the board must pay the initial fee, rather than initial certification fee, and any other required fee before receiving the certification or registration. Provides that a certification or registration expires at 12:01 a.m. on January 1 following the second anniversary of the date on which it was issued unless the certification or registration is renewed. Authorizes the board to reinstate a registration that has been expired for more than 120 days if the board finds, on a sworn affidavit of the registrant or by another method determined by the board, that the registrant has corrected all deficiencies and has paid all delinquent renewal fees and outstanding fines. Makes confirming changes.

Sec. 52.028. Requires that a person, to file a complaint against a certified shorthand reporter or a shorthand reporting firm or affiliate office, must meet certain conditions, including having personal knowledge of the alleged violations. Requires the board, on receipt of a properly executed complaint, to furnish a copy of the complaint and any attachments to the shorthand reporter, rather than certified shorthand reporter, or shorthand reporting firm or affiliate office that is the subject of the complaint. Provides that this section does not preclude the board in its discretion, or any court of this state, from filing a complaint against a certified shorthand reporter or a shorthand reporting firm.

SECTION 11. Amends Section 52.029(b), Government Code, to make conforming changes.

SECTION 12. Amends Section 52.030, Government Code, as follows:

Sec. 52.030. New heading: DISCIPLINARY ACTIONS AGAINST COURT REPORTERS. Authorizes the board, after receiving a verified complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Section 52.028, to revoke or suspend the shorthand reporter's certification or issue a reprimand to the reporter for certain offenses, including unprofessional conduct, including giving directly or indirectly, benefitting from, or being employed as a result of any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$50, rather than \$25, each transaction and \$100, rather than \$50, in the aggregate for each recipient each year, and entering into or providing services under a prohibited contract described by Section 52.034 of this Act.

SECTION 13. Amends Chapter 52C, Government Code, by inserting a new Section 52.031, as follows:

Sec. 52.031. DISCIPLINARY ACTIONS AGAINST FIRMS.

(a) Authorizes the board, after receiving a verified complaint and giving the shorthand reporting firm or its affiliate office notice and an opportunity for a hearing, as prescribed by Section 52.028, to suspend or revoke a shorthand reporting firm or its affiliate office's registration or issue a reprimand for certain offenses.

(c) Authorizes the board to suspend the registration of a shorthand reporting firm or its affiliate office for a designated period of time, until the shorthand reporting firm or affiliate office corrects the deficiencies that were the grounds for the suspension, or until the shorthand reporting firm or its affiliate office complies with any conditions imposed by the board to ensure the shorthand reporting firm or its affiliate office's future performance.

(d) Authorizes a suspended shorthand reporting firm or affiliate office to apply for reinstatement by presenting certain specific proof.

(e) Authorizes the board, on its own motion, to conduct a hearing to inquire into a suspension. Authorizes the board, if the board finds that a shorthand reporting firm or affiliate office has not corrected the deficiencies that were the grounds of the suspension or has not complied with the conditions imposed by the board, to revoke the registration of the shorthand reporting firm or its affiliate office.

Redesignates Sections 52.031 - 52.034 as Sections 52.031 - 52.034.

SECTION 14. Amends Section 52.031, Government Code, to authorize an aggrieved person, shorthand reporting firm or affiliate office to appeal a disciplinary action of the board to a district court in Travis County or in the county of the person's residence or in the county in which the shorthand reporting firm or affiliate office is located. Requires the presiding judge of the administrative judicial region, if the aggrieved person is or the shorthand reporting firm or affiliate office provides the official or deputy court reporter of the court in which the appeal will be heard, to appoint the judge of another court or a retired judge to hear and determine the complaint.

SECTION 15. Requires the board to issue a registration as required by Section 52.013(a)(7), Government Code, as added by this Act, to each court reporting firm or affiliate that registered with the board as required by Section 52.026, rather than Section 52.021(h), Government Code, before the effective date of this Act.

SECTION 16. Effective date: September 1, 2001.