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## OLR Bill Analysis

### sHB 5472

#### ***AN ACT CONCERNING THE CERTIFICATION OF SHORTHAND REPORTERS AND CONCERNING A STUDY OF VIDEO COURT APPEARANCES BY DEFENDANTS.***

#### **SUMMARY**

This bill, starting January 1, 2019, requires shorthand reporters who work for compensation in the state to receive Department of Consumer Protection (DCP) certification, under a process the bill creates. Each certification application must be accompanied with a \$100 nonrefundable application fee and a \$190 certification fee. The certification renewal fee is \$190.

The bill expressly prohibits anyone without such certification from (1) using the title "shorthand reporter," "court reporter," or similar designation, or displaying or using any words, letters, figures, title, advertisement, or other device to indicate that such person is a shorthand reporter or (2) practicing shorthand reporting for compensation. The DCP commissioner may impose a civil penalty of up to \$1,000 on violators.

The bill does not apply to court or shorthand reporters employed by the (1) state, whether compensated on a salary or a per diem basis, or (2) United States for federal courts in Connecticut.

"Shorthand reporting" means making a verbatim record of the spoken word by using written symbols, either manually or using a stenotype machine or computer-aided stenotype transcription machine, for reporting arbitration proceedings, administrative hearings, depositions, or other proceedings or matters for the use of the state courts in Connecticut.

The bill also requires the Department of Corrections (DOC) and the Judicial Branch's Court Support Services Division (CSSD) to (1) study

the concept of permitting or requiring a criminal defendant who is in DOC custody to attend hearings on motions by means of video conference and (2) report its findings and recommendations to the Judiciary Committee by January 1, 2019.

EFFECTIVE DATE: January 1, 2019, except the video court appearance study provision is effective upon passage.

### **§§ 3-5 — SHORTHAND REPORTING CERTIFICATION PROCESS**

#### ***Certification Application and Fee (§ 3)***

***Application.*** The bill requires anyone seeking a certification to practice shorthand reporting in the state to apply to the DCP commissioner, in writing, on a form she provides. The application must include the applicant's name, home and business address, and any other information she requires.

#### ***Qualifications (§ 4)***

The bill prohibits anyone from receiving a shorthand reporter certification unless he or she has (1) passed an examination which is substantially similar to the National Court Reporters Association examination or (2) submitted evidence, satisfactory to the DCP, that he or she is a registered professional reporter of the National Court Reporters Association or its equivalent.

#### ***Initial and Renewal Certification (§§ 4 & 5)***

The bill requires the commissioner to issue a certification to an applicant who satisfies the qualifications to practice shorthand reporting and pays the application fee. The initial certification is valid for three years and may be renewed every three years upon renewal fee payment.

The certification must state that the person is authorized to practice shorthand reporting in the state and the shorthand reporter must display his or her certified number on any business card, stationery, transcript, advertisement, or other document such reporter uses and that pertains to his or her shorthand reporting practice.

***Reinstatement of a Lapsed Certification (§ 4)***

Under the bill, if a shorthand reporter fails to renew the certification for more than two years after its expiration, he or she may have the certification reinstated by complying with the examination requirements described above.

The commissioner may reinstate a lapsed certification without examination after two years, if the reinstatement application is accompanied by the application fee, a notarized letter and supporting documentation attesting to the applicant's related experience in the field of shorthand reporting or similar work practice satisfactory to the commissioner from the time such applicant's certification lapsed. If the commissioner approves the reinstatement application, the applicant must pay all back certification and late fees. (The bill does not specify what "back certification" and the "late fees" are.)

***Shorthand Reporters' Prohibited Actions (§ 5)***

The bill allows the DCP commissioner to suspend or revoke a shorthand reporter's certification for:

1. failing to deliver a transcript to a client or a court in a timely manner;
2. producing an incomplete transcript, unless it was produced pursuant to a court order, the parties' agreement, or a party's request;
3. failing to charge all parties or their attorneys the same rate or charge for like services performed in a proceeding, including any charge for a copy of the transcript;
4. failing to notify all parties or their attorneys of a request for all or part of a transcript in sufficient time for other parties or their attorneys to request copies to be prepared and delivered to such other parties or attorneys simultaneously with the delivery of the original request;
5. giving, directly or indirectly, any gift, incentive, reward, or other

- thing of value to an attorney, the attorney's clients, or the representatives or agents of such attorney or clients,
6. directly or indirectly benefiting from any gift or being employed as a result of any incentive, reward, or other thing of value given by any person to an attorney, the attorney's clients, or the representatives or agents of such attorney or clients;
  7. reporting a proceeding where the certified shorthand reporter is a relative of a party to the proceeding or an attorney representing a party to the proceeding within the second degree by affinity or consanguinity (i.e., blood relative)(The bill does not specify the intended relations.);
  8. reporting a proceeding where the certified shorthand reporter has a financial interest in the proceeding or is associated with a firm which has a financial interest in the proceeding; or
  9. producing a materially inaccurate transcript.

***Certification Suspension or Revocation (§ 5)***

Under the bill, after a hearing conducted pursuant to the Uniform Administrative Procedure Act, the commissioner may suspend or revoke a shorthand reporter's certification if he or she has (1) been convicted of a felony or (2) been found by the commissioner to have knowingly made a false, misleading, or deceptive representation relating to his or her work as a shorthand reporter. Under the law, a person generally may not be disqualified from certification solely because of a prior conviction of a crime.

***Reinstatement After Suspension or Revocation (§ 5)***

Under the bill, anyone whose certification was suspended or revoked may reapply to the commissioner for reinstatement immediately after the suspension period has elapsed or at least 90 days after the certification was revoked.

***Penalty for Non-Compliance (§ 5)***

The bill allows the DCP commissioner, after a hearing, to impose a

civil penalty of up to \$1,000 on anyone who (1) violates the bill's provisions or (2) willfully employs or supplies for employment or employs as an independent contractor a person who engages in the practice of shorthand reporting in the state in violation of the bill's provisions.

## **§ 7 — VIDEO COURT APPEARANCE STUDY**

### ***Study Requirements***

The bill requires the DOC commissioner and the CSSD executive director to jointly study the concept of permitting or requiring a criminal defendant in DOC custody to attend hearings on motions by means of video conference from the correctional facility in which such defendant is being held.

The study must consider:

1. the types of hearings that a defendant could attend using a video conference,
2. how to maintain and secure sufficient video conferencing capabilities to allow or require defendants to attend such hearings by video conference, and
3. any other topic the commissioner and executive director deem relevant to these issues.

### ***Reporting***

The bill requires the DOC commissioner and the CSSD executive director, by January 1, 2019, to jointly report their findings and any legislative recommendations to the Judiciary Committee.

## **BACKGROUND**

### ***Shorthand Reporter License***

PA 17-75 eliminated the shorthand reporter's license, which was required to practice shorthand reporting in arbitration proceedings, administrative hearings, depositions, or other proceedings or matters in state.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/04/2018)