

PROPOSED STATUTORY AMENDMENTS

TITLE 8: CHILDREN

Chapter 2 Juvenile Court

Article 3 Juvenile Hearings

8-233. Record of proceedings

The provisions of title 12, chapter 2, article 3, providing for a ~~court reporter~~ record of the proceeding shall apply at any juvenile court hearing conducted by a judge.

Chapter 3 Juvenile Offenders

Article 1 General Procedures for Delinquency and Incurrigibility Proceedings

8-302. Transfer between juvenile and criminal courts.

A. If during the pendency of a criminal charge in any court of this state the court determines that the defendant is a juvenile who is not subject to prosecution as an adult pursuant to section 13-501, the court shall transfer the case to the juvenile court, together with all of the original accusatory pleadings and other papers, documents and certified transcripts or any other record of any testimony relating to the case. On transfer, the court shall order that the defendant be taken to a place of detention designated by the juvenile court or to that court itself or shall release the juvenile to the custody of the juvenile's parent or guardian or any other person legally responsible for the juvenile. If the juvenile is released to the juvenile's parent or guardian or any other person legally responsible for the juvenile, the court shall require that the parent, guardian or other person bring the juvenile to appear before the juvenile court at a designated time. The juvenile court shall then proceed with all further proceedings as if a petition alleging delinquency had been filed with the juvenile court under section 8-301 on the effective date of the transfer. This subsection does not apply to a juvenile who is subject to prosecution pursuant to section 13-501 but who is convicted of an offense not listed in section 13-501.

B. If during the pendency of a criminal charge in any court of this state the court determines that the defendant is a juvenile who is subject to prosecution as an adult pursuant to section 13-501, subsection B, on motion of the prosecutor the court shall transfer the case to the juvenile court, together with all of the original accusatory pleadings and other papers, documents and certified transcripts or any other record of any testimony relating to the case. On transfer, the court shall order that the juvenile be taken to a place of detention designated by the juvenile court or to that court itself or shall release the juvenile to the custody of the juvenile's parent or guardian or any other person legally responsible for the juvenile. If the juvenile is released to the juvenile's parent or guardian or any other person legally responsible for the juvenile, the court shall require that the parent, guardian or other person bring the juvenile to appear before the juvenile court at a designated time. The juvenile court shall then proceed with all further proceedings as if a petition alleging delinquency had been filed with the juvenile court under section 8-301 on the effective date of the transfer.

C. During the pendency of a delinquency action in any court of this state, on the motion of the prosecution and before the adjudication hearing, the court shall dismiss without prejudice any count in the petition charging an offense for which the juvenile is subject to prosecution as an adult pursuant to section 13-501 to allow criminal charges to be filed.

D. If a juvenile reaches eighteen years of age during the pendency of a delinquency action or before completion of the sentence in any court in this state for an act that if committed by an adult would be a misdemeanor or petty offense or a civil traffic violation, the court shall transfer the case to the appropriate criminal court, together with all of the original accusatory pleadings and other papers, documents and certified transcripts or any other record of any testimony relating to the case and any sentencing order. The appropriate criminal court shall then proceed with all further proceedings as if a uniform Arizona traffic ticket and complaint form or a complaint alleging a misdemeanor or petty offense or a civil traffic violation had been filed with the appropriate criminal court pursuant to section 13-3903 or the Arizona rules of criminal procedure, the rules of procedure in traffic cases or the rules of procedure in civil traffic violation cases.

Article 2 Delinquency and Alcohol Offense Complaints and Hearings

8-323. Juvenile hearing officer; appointment; term; compensation; hearings; required attendance; contempt

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G. A record of the proceedings before a juvenile hearing officer ~~shall~~ may be made ~~by a certified court reporter, videotape or audiotape or any other method approved by the supreme court that accurately reproduces what occurred at the proceeding.~~

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Article 7 Victim's Rights for Juvenile Offenses

8-412. Victim's right to refuse an interview.

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E. Unless otherwise directed by the victim, the prosecutor may attend all interviews. If a transcript or ~~tape~~ recording of the interview is made and on request of the prosecutor, the prosecutor shall receive a copy of the transcript or ~~tape~~ recording at the prosecutor's expense.

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TITLE 12 JUDICIAL OFFICERS AND EMPLOYEES
Chapter 1 Courts of Record
Article 1.1 Court of Appeals

12-120.09. Duties of clerk; records; certified copies

A. The clerk of each division shall:

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3. Keep such other ~~books of records~~ and perform such other duties as required by law or the court.

B. The clerk shall furnish a certified copy of any record or proceeding of the court upon receiving the fee for the copy, except that no fee shall be required from state or other public officers whose duties require such certified copy.

C. The clerk of each division of the court of appeals may destroy or provide for the destruction of all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the court of appeals, or otherwise filed or deposited in the clerk's custody pursuant to rules established by the supreme court.

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Chapter 2 Judicial Officers and Employees
Article 3 Court Reporter

12-221. Appointment and oath

Each superior court judge of the superior court shall appoint a court reporter ensure that an accurate verbatim record of proceedings is made. In discharging this responsibility, each superior court judge is entitled to use the services of a certified court reporter, and the cost of providing for the presence of the court reporter shall be a county charge. Subject to A.R.S. § 38-424, a superior court judge may alternatively discharge this responsibility through the use of electronic or other means, in accordance with rules established by the supreme court. Before entering upon his duties, the court reporter shall take and subscribe the official oath to be administered by the judge of the court.

12-223. Attendance at and report of proceedings; sale of transcripts

A. The certified court reporter shall attend court during the hearing of all matters before it unless excused by the judge. ~~He~~ The certified court reporter shall make ~~stenographic notes~~ a record of all oral proceedings before the court, but unless requested by court or counsel, ~~he~~ the certified court reporter need not make ~~stenographic notes~~ a record of arguments of counsel to a jury, nor of argument of

counsel to the court in the absence of a jury.

- B. Upon payment or tender of the fees therefor, ~~he~~ the certified court reporter shall furnish to any person a ~~typewritten~~ certified transcript of all or any part of the proceedings reported by ~~him~~ the certified court reporter, and upon request, certify that such transcript is a correct and complete statement of such proceedings.

12-224. Salary; fees for transcripts; free transcripts; office supplies

- A. The salary of the official court reporter shall be fixed by the presiding judge of the court, with the approval of the board of supervisors of the county, and shall be paid by the county.
- B. The official court reporter shall receive from a party ordering an appeal transcript, two dollars fifty cents per page for the original, and thirty cents per page for each copy if ordered at the same time and by the same party.
- C. The official court reporter, when requested in advance, shall furnish free of charge to the county attorney or the attorney general a copy of the certified transcript of testimony when a certified transcript is made on an appeal in a criminal case, and to the attorney general when the state is a party.
- D. The official court reporter, when requested, shall furnish at county expense to the county attorney or the attorney general a copy of the certified transcript of testimony of any proceeding held in the superior court when the state or an instrumentality thereof is ordered to provide such transcripts by a federal court in a habeas corpus proceeding in the federal courts or when ordered by the Arizona supreme court to provide such transcripts in a habeas corpus proceeding in state court.
- E. The necessary supplies for conduct of the office of the official court reporter shall be furnished by the county.

Chapter 2 Judicial Officers and Employees

Article 3 Court Reporter

12-225. Appointment of deputies; compensation

A. The official court reporter may employ deputies who shall be compensated by ~~him~~ the official court reporter.

B. When the official court reporter is prevented from performing the official court reporter's ~~his~~ duties because of absence on public business, or when more than one judge is holding court at the same time in the county or any division thereof, the official court reporter may appoint a deputy to perform the services of official court reporter during the period and at the compensation the judge provides by order. Such

compensation shall be a county charge.

Article 8 Clerk of Superior Court

12-283. Powers and duties.

A. The clerk, in addition to the other duties prescribed by law or rule of court, shall:

1. Attend each session of the court held in the county.
2. Keep a list of fees charged in actions.
3. Keep ~~books~~ records required by law or rule of court.

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Article 10 Family Law Referee

12-298. Appointment of family law referee or court commissioner; compensation; qualifications; duties; powers; procedures.

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~~D. The family law referee shall prepare a report on the matters submitted to him consisting of written findings and recommendations. The family law referee shall not ordinarily be required to file with his report a transcript of the proceedings but shall make sufficient findings of fact in his report to justify the recommendations made to the court. The family law referee shall file the report with the clerk of the court along with the original exhibits. The clerk shall provide a copy of the report to all parties.~~

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Chapter 3 Fees and Costs

Article 1 Fees in General

12-302. Extension of time for payment of fees and costs; relief from default for nonpayment; deferral or waiver of court fees and costs; definitions.

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H. The following court fees and costs may be deferred or waived, except that the county shall pay the fees and costs in paragraphs 6 and 7 of this subsection on the granting of an application for deferral or waiver and an applicant who has been granted a deferral shall reimburse the county for the fees and costs in paragraphs 6 and 7 of this subsection:

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7. ~~Court reporter's Fees for the preparation of court transcripts if the court reporter is employed by the court~~ a certified transcript.

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Article 4 Costs Defined

12-331. Taxable costs in supreme court.

Costs in the supreme court shall include:

1. The amount paid to the clerk of that court.
2. The amount paid to the clerk of the superior court for certified copies of the record and for transmitting it.
3. The cost of printing or typing the abstract of record and briefs.
4. The amount paid for the certified transcript of the ~~notes of the reporter of proceedings~~ in the superior court.
5. Such other disbursements as may have been incurred pursuant to an order of the court or agreement of the parties.

Chapter 4 Venue and Change of Venue or Judge

Article 1 In General

12-407. Order for change of venue; transmittal of papers; payment of fees and costs; effect of failure to pay.

A. If a change of venue is ordered, the court shall transfer the action to the most convenient adjoining county, unless the parties agree to some other county in which case the court shall transfer the action to the agreed upon county.

B. The clerk shall promptly transmit the papers and certified transcripts of the proceedings, if any, in the action to the clerk of the court to which the venue is changed. Except as provided in subsection E of this section, the party applying for the change of venue shall pay a transmittal fee established pursuant to section 12-284 within twenty days after the order directing the change. If payment is not timely made, the application for change of venue and the order for change of venue shall be deemed abandoned. If the change is abandoned, the action shall proceed as if the order for change of venue had not been made.

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Chapter 7 Special Actions and Proceedings in Which the State is a Party

Article 6 Judicial Review of Administrative Decisions

12-910. Scope of review.

A. An action to review a final administrative decision shall be heard and determined with convenient speed. If requested by a party to an action within thirty days after filing a complaint, the court shall hold an evidentiary hearing, including testimony and argument, to the extent necessary to make the determination required by subsection E of this section. The court may hear testimony from witnesses who testified at the administrative

hearing and witnesses who were not called to testify at the administrative hearing.

B. Relevant and admissible exhibits and testimony that were not offered during the administrative hearing shall be admitted, and objections that a party failed to make to evidence offered at the administrative hearing shall be considered, unless either of the following is true:

1. The exhibit, testimony or objection was withheld for purposes of delay, harassment or other improper purpose.
2. Allowing admission of the exhibit or testimony or consideration of the objection would cause substantial prejudice to another party.

C. For review of final administrative decisions of agencies that are exempt from sections 41-1092.03 through 41-1092.11, pursuant to section 41-1092.02, the trial shall be de novo if trial de novo is demanded in the complaint or answer of a defendant other than the agency and if a hearing was not held by the agency or the proceedings before the agency were not ~~stenographically reported or mechanically~~ recorded so that a transcript might be made. On demand of any party, if a trial de novo is available under this section, it may be with a jury, except that a trial of an administrative decision under section 25-522 shall be to the court.

D. The record in the superior court shall consist of the record of the administrative proceeding, and the record of any evidentiary hearing, or the record of the trial de novo.

E. The court may affirm, reverse, modify or vacate and remand the agency action. The court shall affirm the agency action unless after reviewing the administrative record and supplementing evidence presented at the evidentiary hearing the court concludes that the action is not supported by substantial evidence, is contrary to law, is arbitrary and capricious or is an abuse of discretion.

Chapter 11 Extraordinary Legal Remedies

Article 1 Certiorari

12-2002. Application for writ; grant of writ.

A. An application for a writ of certiorari shall be made on affidavit by the party beneficially interested, and the court may grant the writ with or without notice to the adverse party, or may enter an order to show cause why it should not be granted.

B. The writ may be directed to the inferior tribunal, board or officer, or to any other person having the custody of the record or proceedings to be certified.

C. When the writ is directed to a tribunal, the clerk, if there is one, shall return the writ with the ~~transcript~~ record required.

12-2003. Contents of writ.

The writ of certiorari shall command the party to whom it is directed to certify fully to the court issuing the writ, at a specified time and place, and to annex to the writ a ~~transcript of the~~ record and proceedings named in the writ, and requiring the party in the meantime to desist from further proceedings in the matter to be reviewed.

TITLE 13 CRIMINAL CODE

Chapter 18 Theft

13-1802. Theft; classification.

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D. At the conclusion of any grand jury proceeding, hearing or trial, the court shall preserve any trade secret that is admitted in evidence or any portion of a ~~transcript~~ the court record that contains information relating to the trade secret pursuant to section 44-405.

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Chapter 23 Organized Crime and Fraud

13-2316.02. Unauthorized release of proprietary or confidential computer security information; exceptions; classification.

A. A person commits unauthorized release of proprietary or confidential computer security information by communicating, releasing or publishing proprietary or confidential computer security information, security-related measures, algorithms or encryption devices relating to a particular computer, computer system or network without the authorization of its owner or operator.

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C. At the conclusion of any grand jury, hearing or trial, the court shall preserve pursuant to section 44-405 any proprietary computer security information that was admitted in evidence or any portion of a ~~transcript~~ the court record that contains information relating to proprietary computer security information.

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Chapter 38 Miscellaneous

Article 7 Arrest

13-3905. Detention for obtaining evidence of identifying physical characteristics; definition.

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D. In lieu of, or in addition to, a written application as provided in subsection A, the magistrate may take an oral statement under oath which shall be recorded ~~on tape, wire or other comparable method~~. This statement may be given in person to a magistrate or by telephone, radio or other means of ~~electronic communication~~ voice transmission. This statement is deemed an application for the purpose of issuance of an order authorizing the temporary detention for the purpose of obtaining evidence of identifying physical characteristics. If a recording of the sworn statement is made, the statement shall be transcribed at the request of the court or either party and certified by the magistrate and filed with the court.

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Article 8 Search Warrant

13-3914. Examination on oath; affidavits.

A. Before issuing a warrant, the magistrate may examine on oath the person or persons seeking the warrant, and any witnesses produced, and must take his affidavit, or their affidavits, in writing and cause the affidavit to be subscribed by the party or parties making the affidavit. Before issuing the warrant, the magistrate may also examine any other sworn affidavit submitted to him which sets forth facts tending to establish probable cause for the issuance of the warrant.

B. The affidavit or affidavits must set forth the facts tending to establish the grounds of the application, or probable cause for believing the grounds exist.

C. In lieu of, or in addition to, a written affidavit, or affidavits, as provided in subsection A, the magistrate may take an oral statement under oath which shall be recorded ~~on tape, wire or other comparable method~~. This statement may be given in person to the magistrate or by telephone, radio or other means of ~~electronic communication~~ voice transmission. This statement is deemed to be an affidavit for the purposes of issuance of a search warrant. If a recording of the sworn statement is made, the statement shall be transcribed at the request of the court or either party and certified by the magistrate and filed with the court.

Article 11 Preliminary Hearings

13-3952. Compensation of certified court reporter appearing at preliminary hearing; fees for transcribing notes

[Rules Workgroup believes this statute should be repealed, since its not know to be followed in any county]

When a ~~regularly appointed~~ an official court reporter appears and takes testimony at a preliminary hearing in a criminal proceeding, the official court reporter's compensation shall be fixed by the magistrate before whom the examination is had. Such compensation

shall not exceed the amount of fifteen dollars per day for each preliminary hearing actually attended upon such examination, and two dollars fifty cents per page for transcribing ~~his~~ the reporter's notes, to be allowed and paid as other county charges. The certified court reporter, when requested, shall furnish at county expense to the county attorney or the attorney general a copy of the certified transcript of testimony of any proceedings held in the justice court when the state or an instrumentality thereof is ordered to provide such transcripts by a federal court in a habeas corpus proceeding in the federal courts or when ordered by the Arizona supreme court to provide such transcripts in a habeas corpus proceeding in state court.

Article 18 Appeals

13-4034. Expense of record or transcript upon appeal by indigent as county charge.

The expense of a certified copy of the record on appeal or of the ~~reporter's~~ certified transcript, or both, when appellant files an affidavit that he is without means or wholly unable to pay for such copies, and such affidavit is found true, shall be a charge upon the county in which the appellant was convicted.

Article 24 Deposition of Witness Within the State

13-4103. Order for examination; notice; proof of service.

A. If the court is satisfied that the examination of the witness is necessary, an order shall be made that the witness be examined conditionally at a specified time and place, and that a copy of the order be served on the opposite party at least two days before the examination.

B. The order shall direct that the examination be taken before the clerk of the court, ~~the~~ a certified court reporter, a magistrate or a notary public named therein, and on proof of service upon the opposite party of a copy of the order, though no counsel appears for the state, the examination shall proceed.

Article 29 Post Conviction Relief

13-4239. Review.

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F. Within thirty days after the expiration of the time for filing the last reply, the record, including the trial court file, the ~~reporter's~~ certified transcript, the original and all copies of the petition and cross-petition for review, responses and replies shall be transmitted to the appellate court.

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TITLE 21 JURIES
Chapter 4. Grand Juries
Article 1. General Provisions

21-411. Appointment of reporter; certified transcript

A. The presiding judge of the superior court shall appoint a ~~regularly appointed~~ certified court reporter to record the proceedings before the grand jury, except the deliberations of the grand jury. The certified court reporter's verbatim record ~~notes~~ containing the proceedings from which an indictment is returned shall be transcribed and filed with the clerk of the superior court not later than twenty days following the return of the indictment, unless the court otherwise orders. Such certified transcript shall be made available to the prosecuting officer and the defendant. The certified transcript or a portion of the transcript may be denied to a defendant by the court upon a showing of extraordinary circumstances by a prosecuting officer. The reporter's verbatim record ~~notes~~ which ~~are~~ is not transcribed as provided in this section shall be filed with the clerk of the superior court and impounded and shall be transcribed only when ordered by the presiding judge of the superior court.

B. The certified court reporter and any other person ~~typists~~ who transcribes the certified court reporter's verbatim record ~~notes~~ of grand jury proceedings shall be sworn by the foreman or acting foreman not to disclose any testimony or the name of any witness except to the county attorney or other prosecuting officer or when testifying in court.

TITLE 22 JUSTICES OF THE PEACE AND OTHER COURTS NOT OF RECORD

Chapter 1 Justice Precinct and Precinct Officers
Article 2 Justices of the Peace

22-124. Custody of records filed; purging; destruction.

A. The justice of the peace shall keep in custody and shall take charge of and safely keep and dispose of according to court rules all books, papers and records which may be filed or deposited in custody.

B. The justice court may destroy all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the justice court or otherwise filed or deposited in custody pursuant to rules established by the supreme court.

C. The justice of the peace or the justice's designee shall notify the director of the Arizona state library, archives and public records of records designated for destruction pursuant to court rules. The state library shall have the opportunity in a time prescribed by court rule to review and inspect these records. During this time period, the state library

may remove any of these records for storage and retrieval.

D. Subsection C does not apply if the director of the Arizona state library, archives and public records has previously approved the destruction of records.

Chapter 2 Civil Proceedings in Justice Court

Article 4 Appeals

22-261. Judgments which may be appealed.

A. Any party to a final judgment of a justice of the peace may appeal therefrom to the superior court where the judgment or the amount in controversy exceeds twenty dollars, exclusive of costs.

B. The party aggrieved by a judgment in any action in which the validity of a tax, impost, assessment, toll or a statute of the state is involved may appeal to the superior court without regard to the amount in controversy.

C. An appeal shall be on the record of the proceedings if such record includes a ~~transcript or~~ verbatim record of the proceedings. De novo trials shall be granted only when the ~~transcript~~ record of the proceedings in the superior court's evaluation is insufficient or in such a condition that the court cannot properly consider the appeal. The superior court may remand to the original trial court for a trial de novo. A trial de novo shall not be granted when a party who had the opportunity to request that a transcript record of the lower court proceedings be made and failed to do so. At the beginning of each proceeding the judge shall advise the parties that their right to appeal is dependent upon their requesting that a record be made of the justice court proceedings. Any party to an action may request that the proceedings be recorded for appeal purposes. The cost of recording trial proceedings shall be the responsibility of the court. If a transcript is required by the superior court, the cost of preparing a transcript, ~~if appealed,~~ shall be the responsibility of the party appealing the case. The supreme court shall establish by rule the methods of recording trial proceedings for record appeals to the superior court, ~~including but not limited to electronic recording devices or manual transcription.~~

22-265. Notice to appellant for payment of fees.

Upon receipt of the ~~transcript or papers on~~ notice of appeal or notice of cross-appeal from the justice court, the clerk of the superior court shall notify appellant or cross-appellant that the ~~transcript or papers~~ appeal or cross-appeal will be ~~filed~~ perfected upon payment of the amount provided in section 22-283, and unless paid within ~~fifteen~~ 30 days after giving the notice, the appeal or cross-appeal shall be deemed abandoned, and the ~~transcript and papers~~ appeal or cross-appeal shall be ~~returned to~~ dismissed by the justice of the peace, and the judgment may be enforced as if no appeal or cross-appeal had been taken.

Chapter 3 Criminal Proceedings in Justice Court

Article 5 Appeals

22-371. Right of appeal; procedure for taking appeal; transcript.

- A. The defendant in a criminal action may appeal to the superior court from the final judgment of a justice or municipal court.
- B. The procedure for appeals from a justice or municipal court to the superior court shall be as provided by rules promulgated by the supreme court.
- C. In a trial in a justice or municipal court, a transcript of the proceedings ~~by a court reporter~~ may be ordered in the sole discretion of the court.
- D. A defendant may not appeal from a judgment or sentence that is entered pursuant to a plea agreement or from an admission to a probation violation.

22-374. Superior court trial or determination of appeal.

- A. An appeal shall be on the record of proceedings if such record includes a ~~transcript~~ verbatim record of the proceedings. Trial de novo shall be granted in all appeals wherein a ~~transcript~~ verbatim record of the proceedings has not been maintained. The record shall be as certified by the judge of the court of origin or as stipulated by the parties. The condition of the record shall be subject to review by the superior court which may grant trial de novo based upon the court's evaluation of the sufficiency and condition of the record.
- B. After a trial de novo or a final determination the superior court may:
 - 1. Adjudge guilty and impose sentence as it deems proper; or
 - 2. Acquit and discharge the defendant and exonerate his bail.
- C. After determination of an appeal where there is a ~~recorded transcript~~ verbatim record the superior court may:
 - 1. Reverse the court of origin and remand the case to the court of origin and direct a new trial;
 - 2. Reverse the court of origin and direct a verdict of acquittal, discharge the defendant and exonerate his bail.
 - 3. Affirm the court of origin and remand the case to the court of origin for appropriate action.

TITLE 32 PROFESSIONS AND OCCUPATIONS

Chapter 20 Real Estate

Article 3 Regulation

32-2159. Judicial review; costs; transcript.

- A. Except as provided in section 41-1092.08, subsection H, a final decision of the [state real estate] commissioner may be appealed to the superior court in Maricopa county pursuant to title 12, chapter 7, article 6.

B. If the superior court declares an appealing party indigent, on appeal the department shall pay the costs of the ~~reporter's~~ certified transcript of proceedings and shall produce a certified copy of all documents and evidence in the administrative record at no charge.

TITLE 36 PUBLIC HEALTH AND SAFETY

Chapter 5 Mental Health Services

Article 5. Court-Ordered Treatment

36-539. Conduct of hearing; record; certified transcript.

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E. A ~~verbatim~~ record of all proceedings under this section shall be made by a certified court reporter ~~stenographic means by a court reporter~~ if a written request for a court reporter is made by any party to the proceedings at least twenty-four hours in advance of such proceedings. If ~~stenographic means are~~ a certified court reporter is not requested in the manner provided by this subsection, electronic means shall be directed by the presiding judge. The ~~stenographic~~ notes or electronic tape record shall be retained as provided by statute.

F. A patient who has been ordered to undergo treatment may request a certified transcript of the hearing. To obtain a copy, the patient shall pay for a transcript or shall file an affidavit that he is without means to pay for a transcript. If the affidavit is found true by the court, the expense of the transcript is to be a charge upon the county in which the proceedings were held, or, if an intergovernmental agreement by the counties has required evaluation in a county other than that of the patient's residence, such expense may be charged to the county of the patient's residence or in which the patient was found prior to evaluation.

Chapter 6 Public health control

Article 6 Tuberculosis control

36-727. Hearings; procedure; confidentiality.

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G. A ~~verbatim~~ record of all proceedings under this section shall be made ~~by stenographic or electronic means. The stenographic notes or electronic tape~~ and shall be retained as provided by statute.

H. The court hearing shall not be open to the public and all records, notices, exhibits and other evidence are confidential and shall not be released to the public. The court may order any portion released or a public hearing to be held on a request from the afflicted person or, if a minor or incapacitated person, the afflicted person's parent or guardian or the afflicted person's attorney. The court's records and exhibits are available to the petitioner, the afflicted person, the department, the tuberculosis control officer, the local health officer or a legal representative of any of these persons or agencies.

I. An afflicted person who is ordered by the court to undergo examination, monitoring, treatment, isolation or quarantine or, if a minor or incapacitated person, the afflicted person's parent or guardian may request a certified transcript of the hearing. To obtain a copy the person shall pay for the transcript or shall file an affidavit that the afflicted person cannot afford to pay for a transcript. If the affidavit is found true by the court, the court shall charge the expense of the transcript to the county in which the proceedings were held. If an intergovernmental agreement by the counties has required an evaluation in a county other than that of the afflicted person's residence, this expense may be charged to the county of the afflicted person's residence or in which the afflicted person was found before the evaluation.

TITLE 39 PUBLIC OFFICERS AND EMPLOYEES

Chapter 2. Qualification and Tenure

Article 7. Impeachment of State and Judicial Officers

38-317. Compensation of impeachment personnel.

A. The senators composing the court of impeachment and the managers representing the house of representatives shall be paid during the impeachment trial the compensation, mileage, and subsistence provided by law for members of the legislature when convened in regular session.

B. The managers shall be allowed the same compensation for the time required in preparing the proceedings for presentation to the court of impeachment together with their actual and necessary expenses; such expenses shall include the personal or subsistence expenses of the managers. In addition, the managers may during the preparation of the proceedings and the trial thereof also employ legal, stenographic, clerical and other assistance as is required and fix their compensation.

C. The members, officers, employees of the court, the board of managers and all employees of the board of managers shall be paid on verified claims approved by the presiding justice of the court and attested by its clerk.

D. Certified court reporters employed by the court ~~may shall be paid the compensation~~ compensated as provided by law ~~for reporting proceedings before magistrates~~, and shall also receive from the party ordering a certified transcript of the proceedings the compensation provided by law for such services.

E. In lieu of the procedures prescribed by the terms of subsection D of this section, the court may provide by contract for the ~~reporting~~ recording of such proceedings and for the certified transcripts thereof.

Chapter 3. Conduct of Office

Article 3. Records

38-424. Use of ~~tape recorders or other~~ electronic recording devices; exception.

This state or any agency of this state, including the judiciary, and each political subdivision of this state, including any courts of ~~law record~~, may for any purpose use ~~tape recorders or other recording devices~~ electronic means in lieu of certified court reporters or stenographers. This section does not apply if the matter to be recorded arises out of court proceedings in a court of record and either party timely requests that a certified court reporter or stenographer be used.

TITLE 41: ADMINISTRATIVE PROCEDURE

Chapter 2. Administrative Officers

Article 2. Notaries

41-324. Certified Court reporters; notarial acts.

A. Certified court reporters who administer oaths and affirmations in judicial proceedings are exempt from the provisions of this chapter other than section 41-315. Certified court reporters who are commissioned as notaries and who perform notarial acts outside of judicial proceedings are subject to all provisions of this chapter and of other laws of this state that regulate notaries public.

B. A certified court reporter who prepares a transcript of a judicial proceeding shall attach a certificate page to the transcript. On the certificate page, the certified court reporter shall attest to the fact that the reporter administered an oath or affirmation to each witness whose testimony appears in the transcript.

C. An affidavit of nonappearance that is prepared by a certified court reporter does not need to be witnessed by a notary.