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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

SENATE BILL NO. 331

(By Senator Wooten, et al)



PASSED APRIL 12, 1997

In Effect NINETY Days From Passage

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SENATE OF WEST VIRGINIA

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Senate Bill No. 331

(BY SENATORS WOOTON, BALL, DITTMAR, OLIVERIO,
SCHOONOVER, SNYDER, WHITE, DEEM, KIMBLE AND SCOTT)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article seven, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the rate of payment for court transcripts as of the first day of July, one thousand nine hundred ninety-seven; allowing for transcripts to be provided on disc or for multiple pages to be copied on condensed pages; and to certification and filing of transcripts.

Be it enacted by the Legislature of West Virginia:

That section four, article seven, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. OFFICIAL REPORTERS.**§51-7-4. Transcript of notes; fees; authenticity; transcript for judge in criminal cases.**

1 The reporter shall furnish, upon request, to any party to
2 a case, a typewritten transcript of the testimony or other
3 proceedings, which shall be upon paper measuring eight
4 and one-half inches in width and eleven inches in length,
5 with margins of one-half inch on the right side and
6 bottom, one inch at the top and one and one-half inches on
7 the left, with the page filled as completely as practicable,
8 with at least twenty-four complete lines on each page,
9 with no more than double spacing used between lines,
10 with no more than five spaces used for indentation from
11 the left margin, with no larger than ten point pica type
12 being used, and shall certify the same as being correct and
13 shall be paid therefor, by the party requesting the tran-
14 script, at the rate of two dollars and eighty-five cents for
15 each page so transcribed and stamped "original"; and for
16 each copy of the transcript stamped "copy", ordered at
17 any time, he or she shall be paid one dollar for each page
18 so furnished: *Provided*, That if any "original" transcript
19 does not conform with the specifications set forth in this
20 section, the party requesting the transcript may not be
21 obligated to pay for the transcript: *Provided, however*,
22 That the copy of the transcript may be provided either on
23 disc or with multiple transcript pages condensed on each
24 page if the court reporter can produce such a disc or copy
25 and if the party requesting the copy specifically asks for
26 a disc or a condensed page transcript: *Provided further*,
27 That the reporter shall be paid at the same rate for each
28 page as the copy rate for the original for a disc or for a
29 condensed page transcript.

30 A transcript of the testimony or proceedings, when
31 certified by the official reporter and by the judge of the
32 court, shall be authentic for all purposes, and shall be used
33 by the parties to the cause in any further proceeding
34 therein wherein the use of the same may be required. An
35 original transcript shall, upon completion and certifica-
36 tion, be filed with the circuit clerk. The original transcript
37 may be used, without further authentication, in making up

38 the record on appeal, as provided in sections thirty-six
39 and thirty-seven, article six, chapter fifty-six of this code.
40 A certified copy of the original transcript so filed shall be
41 delivered to the requesting party. In all cases of appeal
42 the reporter shall also make a copy of the transcript,
43 which copy shall be filed in the office of the clerk of the
44 court in which the trial or proceedings were had, to be
45 used, if necessary, in making up the record on appeal, and,
46 if so used, the clerk may not be entitled to any fee for that
47 part of the record. If, upon appeal or writ of error, the
48 judgment, decree or order entered in the cause be reversed,
49 the cost of the transcript shall be taxed as other costs; and
50 if the transcript be requested or required for the purpose
51 of demurring to the evidence, the cost thereof shall be
52 taxed in favor of the party prevailing on the demurrer.

53 It shall also be the duty of the reporter in any criminal
54 case, upon the request of the court or the judge thereof,
55 and for his or her use, to furnish a transcript of his or her
56 notes of the testimony and proceedings without extra
57 charge.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schover
.....
Chairman Senate Committee

Mike Fantasia
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Kenneth Kelso
.....
Clerk of the Senate

Guyon M. Gray
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

P. Kim
.....
Speaker House of Delegates

The within *is approved* this the *5th*
day of *May*, 1997.

Jeff Abernethy
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/97

Time 8:46am