

Legislative Analysis



INCREASE COURT REPORTER TRANSCRIPT FEES

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5046 (H-1) as reported from committee

Sponsor: Rep. Nate Shannon

Committee: Criminal Justice

Revised 11-9-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5046 would amend Chapter 25 (Fees) of the Revised Judicature Act to increase fees court reporters or recorders may charge for a transcript of a criminal or civil court case and to add provisions relating to the purchase of supplies and equipment.

Currently, unless a lower rate is agreed upon, the fee court reporters or recorders may charge for a transcript of a criminal or civil court case is \$1.75 per original page and 30 cents per page for each copy. This fee was established in 1986.

The bill would increase the fee to \$3.75 per original page and 90 cents per page for each copy. The bill would also provide that the minimum charge for a transcript is \$50 for the original and 90 cents per page for any copy requested. On January 1, 2030, and on January 1 of every fifth year after 2030, the state treasurer would have to adjust the amounts described above to reflect the cumulative annual percentage change in the *Consumer Price Index* and publish the adjusted amounts. (Presumably those adjusted amounts would then apply under the act, though there is no explicit mechanism.)

Consumer Price Index would mean the most comprehensive index of consumer prices available for this state from the Bureau of Labor Statistics of the U.S. Department of Labor. (This would appear to mean the Detroit Consumer Price Index, known as the D-CPI, or the CPI-U to encompass the Detroit-Warren-Dearborn urban area.¹)

In addition, the act currently provides that reporters or recorders are entitled to receive the same compensation from the county for a transcript ordered by the circuit judge. The bill would amend this to say that, for a transcript ordered by the circuit judge, reporters or recorders are entitled to receive from the court funding unit the same compensation for work completed outside of normal court business hours. During normal court business hours, a reporter or recorder would have to give first priority to appellate transcripts paid for by the court funding unit.

The bill would further provide that an official court reporter or recorder must purchase supplies and equipment necessary for the production of transcripts, such as transcript paper, ink, binders, software, and hardware used in the production of transcripts. The court funding unit would have to purchase the supplies and equipment necessary to capture and preserve the record, such as steno machines, digital audio-video recording equipment, computers, and digital storage media.

¹ https://www.bls.gov/regions/midwest/news-release/consumerpriceindex_detroit.htm

[Note: The bill addresses section 2543 of the act, which deals specifically with circuit court reporters or recorders. Sections 878 and 8631 of the act provide that court reporters and recorders in probate and district courts, respectively, are entitled to receive “the same fees as provided [by section 2543] for circuit court reporters or recorders.” The provisions of the bill concerning fees would thus apply to probate and district courts as well as to the circuit court. It is unclear whether the provisions concerning the purchase of supplies and equipment are intended to, or would, apply to probate and district courts in addition to the circuit court.]

Finally, the bill would remove obsolete provisions that allowed for higher fees for transcripts ordered as part of an expedited case management system for appeals of certain civil cases that was ended in 2007.

MCL 600.2543

FISCAL IMPACT:

House Bill 5046 would have an indeterminate fiscal impact on local court funding units if transcripts are ordered by courts. The fiscal impact would depend on the number of requests for transcripts made by courts. An increase in the per page fee amounts for transcripts would result in an increase in costs. If transcripts are ordered by any party other than courts, the requesting parties would be responsible for paying the compensation to the reporter or recorder.

POSITIONS:

Representatives of the following entities testified in support of the bill:

- Michigan Electronic Court Reporters Association (10-10-23, 10-17-23)
- Michigan Association of Counties (10-17-23)

The following entities indicated support for the bill (10-17-23):

- Michigan Association of Freelance Court Reporters
- Michigan Association of Professional Court Reporters
- Michigan District Judges Association
- Negligence Law Section of the State Bar of Michigan

The State Court Administrative Office indicated a neutral position on the bill. (10-10-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.