

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar

Vote: 9 - 0 - 0

Yeas: Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 2/1, 3/5

WHAT THE MEASURE DOES: Allows an affidavit in support of a search warrant to be sworn to over the telephone. Requires the judge administering the oath over the telephone to state in writing the manner and time of the oath's administration. Requires the police officer giving the oath to note on the affidavit that it was sworn to over the telephone. Establishes the time period for filing an amended notice of appeal on a corrected or supplemental criminal judgment. Clarifies the prohibition against judges practicing law applies only to judges with full-time positions and not part-time pro tem judges. Clarifies that an automatic stay of a judgment on an appeal requires the filing of the notice of appeal and not just the filing of the supersedeas bond with the trial court. Authorizes the prevailing party, on appeal, to recover the cost of copying the trial court record. Allows the Chief Justice of the Oregon Supreme Court to set certification and copy fees for appellate and administrative records and services. Gives the Chief Justice the authority to allow a circuit court to meet in a location other than the county seat in an emergency. Clarifies the process for consolidating juvenile dependency and domestic relations cases in a single circuit court. Clarifies that those who are appointed to the Court of Appeals are counted in determining that a majority of a three judge panel consist of either elected or appointed Court of Appeals judges.

ISSUES DISCUSSED:

- Practice of law by judges of municipal and justice courts

EFFECT OF COMMITTEE AMENDMENT: Clarifies that a state judge may not engage in the practice of law with another person regardless of where the person practices law. Clarifies that a municipal court judge or a judge of a county court may not engage in the practice of law with an attorney who appears in the court in which the judge presides. Clarifies that those who are appointed to the Court of Appeals are counted in determining that a majority of a three judge panel consist of either elected or appointed Court of Appeals judges.

BACKGROUND: HB 2322A addresses several issues to improve court administration and clarify court procedures. HB 2322A is the Judicial Department's biennial "housekeeping" bill. The Chief Justice of the Oregon Supreme Court is not only a member of the Oregon Supreme Court, but also chief of judicial operations in the state. Among other things, this bill will give this person the authority to allow a circuit court to meet in a location other than the county seat in an emergency.

In the Court of Appeals, cases are usually heard not by all the Court of Appeals judges, but by panels technically called "departments." A "department" consists of three judges. Current law requires that a majority of any "department" consist of regularly "elected and qualified" judges of the Court of Appeals. The term "qualified" is ambiguous and calls into question whether those members of the Court of Appeals who are appointed qualify for the purposes of determining if the department consists of a majority of "elected and qualified" judges.

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This summary has not been adopted or officially endorsed by action of the committee.