

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Beyer, Kruse, Prozanski, Walker, Burdick

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 5/3, 5/29

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. 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:

- Keep the status-quo regarding certification fee at \$1 and copying fee at 25 cents per page

EFFECT OF COMMITTEE AMENDMENT: Deletes the provision allowing the Chief Justice of the Oregon Supreme Court to set certification and copy fees for appellate and administrative records and services.

BACKGROUND: HB 2322 B addresses several issues to improve court administration and clarify court procedures. HB 2322 B 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.