

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 5 - 0 - 0
Yeas: Beyer, Kruse, Prozanski, Walker, Burdick
Nays: 0
Exc.: 0
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 2/22

WHAT THE MEASURE DOES: Allows courts to take judicial notice of the law, regulations, and rules of any federally-recognized American Indian tribal government. Creates exception to the hearsay rule for documents from a federally-recognized American Indian tribal government, including records, reports, statements, marriage certificates, data compilations, and documents purporting to establish or affect an interest in property. Amends Uniform Law on Notarial Acts to state that notarial acts by any person authorized by the law of a tribal government have the same effect as those by notarial officers of Oregon.

ISSUES DISCUSSED:

- Executive Proclamations and Orders concerning Oregon's relationship with tribal governments
- Inconsistencies by Oregon courts in their treatment of tribal documents

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The admissibility of tribal documents as evidence is a source of confusion with the courts and the Oregon State Bar. HB 2134 extends to tribal governments the same evidentiary benefits that are enjoyed by state, federal, and foreign governments. It permits the courts to take "judicial notice" of tribal documents, which makes it easier for lawyers to admit these documents as evidence, and allows as an exception to the hearsay rule (i.e., the rule that prohibits out-of-court statements from being used to prove the truth of what is asserted in those documents) for tribal documents. HB 2134 is not intended to impact the evidentiary weight that a fact-finder might give to those documents, only their admissibility as evidence.