

# House Bill 3163

Sponsored by Representative BARKER (at the request of Clatsop County District Attorney Joshua Marquis)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that municipal court for city with population of less than \_\_\_\_\_ may exercise jurisdiction over violation of law or ordinance prohibiting driving while under influence of intoxicants only if city has become court of record.

## A BILL FOR AN ACT

1  
2 Relating to municipal courts; amending ORS 221.339.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 221.339 is amended to read:

5 221.339. (1) A municipal court has concurrent jurisdiction with circuit courts and justice courts  
6 over all violations committed or triable in the city where the court is located.

7 (2) Except as provided in subsections (3) and (4) of this section, municipal courts have concur-  
8 rent jurisdiction with circuit courts and justice courts over misdemeanors committed or triable in  
9 the city. Municipal courts may exercise the jurisdiction conveyed by this section without a charter  
10 provision or ordinance authorizing that exercise.

11 (3) Municipal courts have no jurisdiction over felonies. **A municipal court for a city with a**  
12 **population of less than \_\_\_\_\_ may exercise jurisdiction over violations of ORS 813.010, or**  
13 **any ordinance of the city punishing driving while under the influence of intoxicants, only if**  
14 **the city has become a court of record under ORS 221.342.**

15 (4) A city may limit the exercise of jurisdiction over misdemeanors by a municipal court under  
16 this section by the adoption of a charter provision or ordinance, except that municipal courts must  
17 retain concurrent jurisdiction with circuit courts over:

18 (a) Misdemeanors created by the city's own charter or by ordinances adopted by the city, as  
19 provided in ORS 3.132; and

20 (b) Traffic crimes, as defined [by] **in ORS 801.545, that are within the municipal court's ju-**  
21 **risdiction under subsection (3) of this section.**

22 (5) Subject to the powers and duties of the Attorney General under ORS 180.060, the city at-  
23 torney has authority to prosecute a violation of any offense created by statute that is subject to the  
24 jurisdiction of a municipal court, including any appeal, if the offense is committed or triable in the  
25 city. The prosecution shall be in the name of the state. The city attorney shall have all powers of  
26 a district attorney in prosecutions under this subsection.

27  
\_\_\_\_\_  
**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.