

A-Engrossed
Senate Bill 267

Ordered by the Senate March 22
Including Senate Amendments dated March 22

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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.

Provides that justice or municipal court may commence or cease operation as court of record only after *[entry of order by Supreme Court.]* **governing body of county or city, as appropriate, files declaration with Supreme Court. Requires Supreme Court to enter order acknowledging filing of declaration and to give notice of order to county or city and to public.**

Requires justice court or municipal court operating as court of record on or before January 1, 2008, to file declaration including specified information with Supreme Court. Requires Supreme Court to enter order acknowledging filing of declaration and to give notice of order to county or city and to public.

[Provides that any justice or municipal court currently operating as court of record shall cease to be court of record unless Supreme Court enters order on or before June 30, 2008, approving court's continued operation as court of record.]

A BILL FOR AN ACT

1
2 Relating to operation of a court as a court of record; creating new provisions; and amending ORS
3 51.025 and 221.342.

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

5 **SECTION 1.** ORS 51.025 is amended to read:

6 51.025. (1) Except as provided in subsection [(4)] (7) of this section, any justice court may be-
7 come a court of record by:

8 (a) The passage of an ordinance by the governing body of the county in which the court is
9 located[.]; and

10 (b) **The entry of an order by the Supreme Court acknowledging the filing of the declara-**
11 **tion required under subsection (2) of this section.**

12 (2) **Before a justice court may become a court of record, the governing body of the**
13 **county in which the court is located must file a declaration with the Supreme Court that**
14 **includes:**

15 (a) **A statement that the justice court satisfies the requirements of this section for be-**
16 **coming a court of record;**

17 (b) **The address and telephone number of the clerk of the justice court; and**

18 (c) **The date on which the justice court will commence operations as a court of record.**

19 (3) **The Supreme Court may not charge a fee for filing a declaration under subsection (2)**
20 **of this section. Not later than 30 days after a declaration is filed under subsection (2) of this**
21 **section, the Supreme Court shall enter an order acknowledging the filing of the declaration**
22 **and give notice of the order of acknowledgment to the county and the public.**

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.

1 (4) The county shall *[ensure that]* **provide** a court reporter *[is provided]* **or an audio recording**
2 **device** for each justice court made a court of record under this section.

3 [(2)] (5) *[Notwithstanding ORS 53.005 to 53.125 and ORS chapter 157,]* The appeal from a judg-
4 ment entered in a justice court that becomes a court of record under this section shall be as pro-
5 vided in ORS chapters 19 and 138 for appeals from judgments of circuit courts.

6 [(3)] (6) As a qualification for the office, the justice of the peace for any justice court that be-
7 comes a court of record must be a member of the Oregon State Bar.

8 [(4)] (7) A justice court may not become a court of record under the provisions of this section
9 if the court is located within 50 driving miles of the circuit court for the county in which the justice
10 court is located, measured by the shortest distance by public roads between the justice court and
11 the circuit court.

12 **SECTION 2. (1) Any justice court that has become a court of record under ORS 51.025**
13 **may cease to operate as a court of record only if the governing body of the county in which**
14 **the court is located files a declaration with the Supreme Court identifying the date on which**
15 **the justice court will cease operation as a court of record. The date identified in the decla-**
16 **ration may not be less than 31 days after the date the declaration is filed.**

17 (2) The Supreme Court may not charge a fee for filing a declaration under subsection (1)
18 of this section. Not later than 30 days after a declaration is filed under subsection (1) of this
19 section, the Supreme Court shall enter an order acknowledging the filing of the declaration
20 and give notice of the order of acknowledgment to the county and the public.

21 (3) The appeal from a judgment entered in a justice court after the date identified in a
22 declaration filed under this section shall be as provided in ORS 53.005 to 53.125 and ORS
23 chapter 157.

24 **SECTION 3. (1) On or before June 30, 2008, any justice court that is operating as a court**
25 **of record on January 1, 2008, must file a declaration with the Supreme Court that includes:**

26 (a) A statement that the justice court satisfies the requirements of ORS 51.025 for be-
27 coming a court of record;

28 (b) The address and telephone number of the clerk of the justice court; and

29 (c) The date on which the justice court commenced operations as a court of record.

30 (2) The Supreme Court may not charge a fee for filing a declaration under subsection (1)
31 of this section. Not later than 30 days after a declaration is filed under subsection (1) of this
32 section, the Supreme Court shall enter an order acknowledging the filing of the declaration
33 and give notice of the order of acknowledgment to the county and the public.

34 **SECTION 4.** ORS 221.342 is amended to read:

35 221.342. (1) Any municipal court may become a court of record by:

36 (a) The passage of an ordinance by the governing body of the city in which the court is
37 located[.]; and

38 (b) The entry of an order by the Supreme Court acknowledging the filing of the declara-
39 tion required under subsection (2) of this section.

40 (2) Before a municipal court may become a court of record, the governing body of the
41 city in which the court is located must file a declaration with the Supreme Court that in-
42 cludes:

43 (a) A statement that the municipal court satisfies the requirements of this section for
44 becoming a court of record;

45 (b) The address and telephone number of the clerk of the municipal court; and

1 (c) The date on which the municipal court will commence operations as a court of record.

2 (3) The Supreme Court may not charge a fee for filing a declaration under subsection (2)
3 of this section. Not later than 30 days after a declaration is filed under subsection (2) of this
4 section, the Supreme Court shall enter an order acknowledging the filing of the declaration
5 and give notice of the order of acknowledgment to the city and the public.

6 (4) The city shall [*ensure that*] provide a court reporter or an audio recording [*reporting*] device
7 [*is provided*] for each municipal court made a court of record under this section.

8 [(2)] (5) The appeal from a judgment entered in a municipal court that becomes a court of record
9 under this section shall be as provided in ORS chapter 138 for appeals from judgments of circuit
10 courts.

11 [(3)] (6) As a qualification for the office, a municipal judge for any municipal court that becomes
12 a court of record must be a member of the Oregon State Bar.

13 **SECTION 5.** Sections 6 and 7 of this 2007 Act are added to and made a part of ORS
14 chapter 221.

15 **SECTION 6.** (1) Any municipal court that has become a court of record under ORS
16 221.342 may cease to operate as a court of record only if the governing body of the city in
17 which the court is located files a declaration with the Supreme Court identifying the date
18 on which the municipal court will cease operation as a court of record. The date identified
19 in the declaration may not be less than 31 days after the date the declaration is filed.

20 (2) The Supreme Court may not charge a fee for filing a declaration under subsection (1)
21 of this section. Not later than 30 days after a declaration is filed under subsection (1) of this
22 section, the Supreme Court shall enter an order acknowledging the filing of the declaration
23 and give notice of the order of acknowledgment to the city and the public.

24 (3) The appeal from a judgment entered in a municipal court after the date identified in
25 the declaration filed under this section shall be as provided in ORS 221.359 (1) and (2).

26 **SECTION 7.** (1) On or before June 30, 2008, any municipal court that is operating as a
27 court of record on January 1, 2008, must file a declaration with the Supreme Court that in-
28 cludes:

29 (a) A statement that the municipal court satisfies the requirements of ORS 221.342 for
30 becoming a court of record;

31 (b) The address and telephone number of the clerk of the municipal court; and

32 (c) The date on which the municipal court commenced operations as a court of record.

33 (2) The Supreme Court may not charge a fee for filing a declaration under subsection (1)
34 of this section. Not later than 30 days after a declaration is filed under subsection (1) of this
35 section, the Supreme Court shall enter an order acknowledging the filing of the declaration
36 and give notice of the order of acknowledgment to the city and the public.

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