

Senate Bill 267

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Judicial Department)

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 justice or municipal court may commence or cease operation as court of record only after entry of order by Supreme Court.

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)] **(6)** 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 lo-
9 cated; **and**

10 (b) **The entry of an order by the Supreme Court approving a petition under subsection**
11 **(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 petition with the Supreme Court requesting**
14 **an order approving commencement of operation of the justice court as a court of record.**
15 **The petition must show that the justice court has met all conditions established by law or**
16 **by the Supreme Court for a court of record. The Supreme Court may not charge a fee for**
17 **filing a petition under this subsection.**

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

20 [(2)] (4) [*Notwithstanding ORS 53.005 to 53.125 and ORS chapter 157,*] The appeal from a judg-
21 ment entered in a justice court that becomes a court of record under this section shall be as pro-
22 vided in ORS chapters 19 and 138 for appeals from judgments of circuit courts.

23 [(3)] (5) As a qualification for the office, the justice of the peace for any justice court that be-
24 comes a court of record must be a member of the Oregon State Bar.

25 [(4)] (6) A justice court may not become a court of record under the provisions of this section
26 if the court is located within 50 driving miles of the circuit court for the county in which the justice
27 court is located, measured by the shortest distance by public roads between the justice court and
28 the circuit court.

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 **SECTION 2.** (1) Any justice court that has become a court of record under ORS 51.025
2 may cease to operate as a court of record only if:

3 (a) The governing body of the county in which the court is located files a petition with
4 the Supreme Court requesting an order approving the cessation of the justice court's oper-
5 ation as a court of record; and

6 (b) The Supreme Court determines that the governing body of the county has taken all
7 steps necessary for an orderly cessation of the justice court's operation as a court of record
8 and enters an order approving the cessation of the justice court's operation as a court of
9 record.

10 (2) The Supreme Court may not charge a fee for filing a petition under this section.

11 **SECTION 3.** (1) Any justice court that is operating as a court of record on January 1,
12 2008, shall cease to be a court of record on July 1, 2008, unless:

13 (a) The governing body of the county in which the court is located files a petition with
14 the Supreme Court on or before March 1, 2008, requesting an order approving the continued
15 operation of the justice court as a court of record; and

16 (b) The Supreme Court determines that the justice court meets all conditions established
17 by law or by the Supreme Court for a court of record and enters an order on or before June
18 30, 2008, approving the continued operation of the justice court as a court of record.

19 (2) The Supreme Court may not charge a fee for filing a petition under this section.

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

21 221.342. (1) Any municipal court may become a court of record by:

22 (a) The passage of an ordinance by the governing body of the city in which the court is
23 located; and

24 (b) The entry of an order by the Supreme Court approving a petition under subsection
25 (2) of this section.

26 (2) Before a municipal court may become a court of record, the governing body of the
27 city in which the court is located must file a petition with the Supreme Court requesting an
28 order approving commencement of operation of the municipal court as a court of record. The
29 petition must show that the municipal court has met all conditions established by law or by
30 the Supreme Court for a court of record. The Supreme Court may not charge a fee for filing
31 a petition under this section.

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

34 [(2)] (4) The appeal from a judgment entered in a municipal court that becomes a court of record
35 under this section shall be as provided in ORS chapter 138 for appeals from judgments of circuit
36 courts.

37 [(3)] (5) As a qualification for the office, a municipal judge for any municipal court that becomes
38 a court of record must be a member of the Oregon State Bar.

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

41 **SECTION 6.** (1) Any municipal court that has become a court of record under ORS
42 221.342 may cease to operate as a court of record only if:

43 (a) The governing body of the city in which the court is located files a petition with the
44 Supreme Court requesting an order approving the cessation of the municipal court's opera-
45 tion as a court of record; and

1 **(b) The Supreme Court determines that the governing body of the city has taken all steps**
2 **necessary for an orderly cessation of the municipal court's operation as a court of record**
3 **and enters an order approving the cessation of the municipal court's operation as a court**
4 **of record.**

5 **(2) The Supreme Court may not charge a fee for filing a petition under this section.**

6 **SECTION 7.** **(1) Any municipal court that is operating as a court of record on January**
7 **1, 2008, shall cease to be a court of record on July 1, 2008, unless:**

8 **(a) The governing body of the city in which the court is located files a petition with the**
9 **Supreme Court on or before March 1, 2008, requesting an order approving the continued op-**
10 **eration of the municipal court as a court of record; and**

11 **(b) The Supreme Court determines that the municipal court meets all conditions estab-**
12 **lished by law or by the Supreme Court for a court of record and enters an order on or before**
13 **June 30, 2008, approving the continued operation of the municipal court as a court of record.**

14 **(2) The Supreme Court may not charge a fee for filing a petition under this section.**
15
