

SENATE AMENDMENTS TO SENATE BILL 267

By COMMITTEE ON JUDICIARY

March 22

1 On page 1 of the printed bill, delete lines 5 through 28.

2 Delete pages 2 and 3 and insert:

3 “**SECTION 1.** ORS 51.025 is amended to read:

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

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

8 “(b) **The entry of an order by the Supreme Court acknowledging the filing of the decla-**
9 **ration required under subsection (2) of this section.**

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

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

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

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

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

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

23 “[2)] (5) *[Notwithstanding ORS 53.005 to 53.125 and ORS chapter 157,]* The appeal from a judg-
24 ment entered in a justice court that becomes a court of record under this section shall be as pro-
25 vided in ORS chapters 19 and 138 for appeals from judgments of circuit courts.

26 “[3)] (6) As a qualification for the office, the justice of the peace for any justice court that be-
27 comes a court of record must be a member of the Oregon State Bar.

28 “[4)] (7) A justice court may not become a court of record under the provisions of this section
29 if the court is located within 50 driving miles of the circuit court for the county in which the justice
30 court is located, measured by the shortest distance by public roads between the justice court and
31 the circuit court.

32 “**SECTION 2.** (1) **Any justice court that has become a court of record under ORS 51.025**
33 **may cease to operate as a court of record only if the governing body of the county in which**
34 **the court is located files a declaration with the Supreme Court identifying the date on which**
35 **the justice court will cease operation as a court of record. The date identified in the decla-**

1 ration may not be less than 31 days after the date the declaration is filed.

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

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

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

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

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

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

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

19 “**SECTION 4.** ORS 221.342 is amended to read:

20 “221.342. (1) Any municipal court may become a court of record by:

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

23 “(b) The entry of an order by the Supreme Court acknowledging the filing of the decla-
24 ration required under subsection (2) of this section.

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

28 “(a) A statement that the municipal court satisfies the requirements of this section for
29 becoming a court of record;

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

31 “(c) The date on which the municipal court will commence operations as a court of re-
32 cord.

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

37 “(4) The city shall [ensure that] provide a court reporter or an audio recording [reporting] de-
38 vice [is provided] for each municipal court made a court of record under this section.

39 “[2] (5) The appeal from a judgment entered in a municipal court that becomes a court of re-
40 cord under this section shall be as provided in ORS chapter 138 for appeals from judgments of cir-
41 cuit courts.

42 “[3] (6) As a qualification for the office, a municipal judge for any municipal court that be-
43 comes a court of record must be a member of the Oregon State Bar.

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

1 **“SECTION 6. (1) Any municipal court that has become a court of record under ORS**
2 **221.342 may cease to operate as a court of record only if the governing body of the city in**
3 **which the court is located files a declaration with the Supreme Court identifying the date**
4 **on which the municipal court will cease operation as a court of record. The date identified**
5 **in the declaration may not be less than 31 days after the date the declaration is filed.**

6 **“(2) The Supreme Court may not charge a fee for filing a declaration under subsection**
7 **(1) of this section. Not later than 30 days after a declaration is filed under subsection (1) of**
8 **this section, the Supreme Court shall enter an order acknowledging the filing of the decla-**
9 **ration and give notice of the order of acknowledgment to the city and the public.**

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

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

15 **“(a) A statement that the municipal court satisfies the requirements of ORS 221.342 for**
16 **becoming a court of record;**

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

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

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