

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

---

**Action:** Do Pass With Amendments to the A-Engrossed Measure (Printed B-Eng.)

**Vote:** 4 - 0 - 1

**Yeas:** Bonamici, Boquist, Dingfelder, Prozanski

**Nays:** 0

**Exc.:** Whitsett

**Prepared By:** Bill Taylor, Counsel

**Meeting Dates:** 5/6, 5/13

---

**WHAT THE MEASURE DOES:** Establishes that appeals from the Armed Forces Court of Appeals for Oregon go directly to the Oregon Supreme Court. Allows the Adjutant General to appoint Judge Advocate Legal Assistants for a period not to exceed 12 months. Provides that the period of service member's active duty may not be included in determining any statute of limitations. Allows a service member one year to apply to a court or administrative body for relief from any obligation or liability incurred before the period of active duty.

**ISSUES DISCUSSED:**

- Number of Oregon National Guard members on active duty
- They need additional time when they return home to respond to lawsuits and other legal matters

**EFFECT OF COMMITTEE AMENDMENT:** Allows a service member one year to apply to a court or administrative body for relief from any obligation or liability incurred before the period of active duty.

**BACKGROUND:** Oregon, as does every state in the Union, maintains a State Militia, more commonly known as the Oregon National Guard. The legal framework for the Oregon National Guard is set forth in Chapter 396 of the Oregon Revised Statutes. Chapter 398 of the Oregon Revised Statutes sets forth the process and procedure for administering military justice and the rights of those before its tribunals.

This year will see the largest deployment of members of the Oregon National Guard to active duty since the Second World War. For many of the men and women of the Guard, this will not be their first deployment. For some, it will be their fourth. Any deployment places a strain on members of the Guard and their families. Studies show that multiple deployments significantly increase this strain. The Oregon National Guard assists members of the Guard who are about to be deployed, or who are deployed, with many of the legal matters they and their families face. The Oregon State Bar Military Assistance Panel, in many cases free of charge, does too. However, the Guard needs additional legal resources. This bill will allow the Guard to appoint legal assistants who can assist the Guard's lawyers.

Under the federal Service Members Civil Relief Act and under state civil law, legal proceedings against service members on active duty are stayed while they are on active duty.

5/15/2009 4:15:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*