

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 1 - 1
<b>Yeas:</b>	Barton, Cameron, Garrett, Krieger, Smith J., Stiegler, Barker, Olson
<b>Nays:</b>	Shields
<b>Exc.:</b>	Whisnant
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	5/11, 5/20

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**WHAT THE MEASURE DOES:** Clarifies that the Chief Justice has authority to establish procedures for closing courts in emergencies. Clarifies that the presiding judge of a circuit has similar authority. Allows the Chief Justice to authorize courts to waive or suspend the court fee added on a judgment and authorizes recovery of more of the costs associated with collecting judgments. Requires clerk of court to file a motion or response with the court only if the party filing the motion or response has paid the appropriate filing fee. Allows a judge to waive sheriff's fee under ORS 21.410(1)(a) for service of process if the judge finds that the party is unable to pay the fee. Clarifies that a supplemental judgment may only contain provisions not included in the general judgment, except for judgments under ORS 416.880. Specifies type of judgment entered against a garnishee. Requires the court to issue a judgment rather than an order dismissing the accusatory instrument. Clarifies that an appellate record in a juvenile dependency or delinquency case is confidential, but that the appellate court decision is not. Aligns jury service prohibitions with the Oregon Constitution. Declares an emergency and takes effect upon passage.

**ISSUES DISCUSSED:**

- Whether court records should be public
- Fees collected by sheriffs

**EFFECT OF COMMITTEE AMENDMENT:** Makes an exception for modifications of judgments under ORS 416.880 for the clarification in the original bill that a supplemental judgment may only contain provisions not included in the general judgment. Addresses juvenile court records issues raised by the Hamblen case. Keeps juvenile court records confidential when a juvenile case (dependency or delinquency) is on appeal. Clarifies that an appellate court decision is not confidential but that the appellate court record is confidential. Appellate court may consent to disclosure. Prohibits a person from being eligible from serving on a jury or grand jury if they have been convicted of a misdemeanor involving violence or dishonesty within the preceding five years. (A person with a felony conviction within the preceding 15 years is currently prohibited from serving). Changes the reference on p.4 of the bill to ORS 21.410(1)(a). (Limits the ability to waive fees for the service of summons).

**BACKGROUND:** SB 270A contains technical fixes to various statutes as an effort to improve court administration and clarify court procedures. These changes are meant to be procedural rather than substantive. The amendments introduced in the House Judiciary Committee for the most part clarified the original bill. However, the -5 amendment was introduced to respond to issues raised by the Hamblen case which raised questions about whether juvenile court records retained their confidentiality upon appeal. SB 270A clarifies that the records remain confidential on appeal.

6/2/2009 8:13:00 AM

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