

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	1/21

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. Allows the clerk of court to file a motion or response with the court if the party filing the motion or response has paid the appropriate filing fee. Allows a judge to waive sheriff's fee 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. Clarifies that a supplemental judgment must be issued in a garnishment action if a general judgment has been entered in the underlying action and that a limited judgment shall be entered if the garnishment was issued for a debt and a general judgment has not yet been entered. Requires the court to issue a judgment rather than an order dismissing the accusatory instrument in an accord and satisfaction. Declares an emergency and takes effect upon passage.

ISSUES DISCUSSED:

- Emergency clause so that the courts, as soon as possible, have the authority to handle an emergency situation concerning closure of courts and filing deadlines.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Chief Justice of the Oregon Supreme Court is not only the presiding justice of the Supreme Court, but also the administrative head of the judicial department. The presiding judge of the circuit court has similar powers within the respective judicial district.

Garnishment is the procedure by which a creditor invokes the authority of a circuit court, justice court or municipal court to acquire the property of a debtor.

ORS 135.703 allows the victims of most misdemeanors to go through a civil law proceeding to receive satisfaction for his or her injury from the perpetrator of the injury. In return, the perpetrator can receive a judgment dismissing the criminal complaint.