

# House Bill 2342

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Association of Oregon Counties)

## 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**.

Authorizes governing body of county to appoint person to fill vacancy in office of justice of peace if court on which justice of peace served is not court of record.

Takes effect only if House Joint Resolution 4 (2009) is approved by people at next regular general election. Takes effect on effective date of constitutional amendment proposed by House Joint Resolution 4 (2009).

## A BILL FOR AN ACT

1  
2 Relating to justices of the peace; creating new provisions; and amending ORS 51.260.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 51.260 is amended to read:

5 51.260. (1) If a vacancy occurs in the office of justice of the peace, **and the justice court on**  
6 **which the justice of the peace served is a court of record**, the Governor immediately shall ap-  
7 point some person possessing the qualifications for election to that office to fill the vacancy [*until*  
8 *the next general election and until such appointee's successor is elected and qualified*].

9 (2) **If a vacancy occurs in the office of justice of the peace, and the court on which the**  
10 **justice of the peace served is not a court of record, the governing body of the county shall**  
11 **immediately appoint some person possessing the qualifications for election to that office to**  
12 **fill the vacancy.**

13 (3) [*The*] **A person appointed to fill [*the*] a vacancy under this section shall qualify in the same**  
14 **manner as a person elected to the office. Unless the vacancy occurs more than 61 days before**  
15 **the next regular general election, the person appointed shall serve until that general election**  
16 **and until such appointee's successor is elected and qualified. If the vacancy occurs 61 days**  
17 **or less before the next regular general election, the person appointed shall serve until the**  
18 **general election that follows the next regular general election and until such appointee's**  
19 **successor is elected and qualified.**

20 [(2)] (4) In the event of a temporary absence or other incapacity of a justice of the peace, the  
21 [*county court*] **governing body of the county**, if it deems it in the public interest, may appoint a  
22 sitting justice of the peace from any county justice of the peace district within the State of Oregon,  
23 or may appoint a person possessing the qualifications for election as justice of the peace, to serve  
24 as justice of the peace pro tempore during the period of absence or incapacity. An appointment  
25 under this subsection may not be for a period exceeding one year.

26 [(3)] *In the event of a temporary absence of a justice of the peace for a period of more than 60*  
27 *consecutive days, or in the event of inability for a like period to act by reason of illness or other cause,*  
28 *the Governor, if the Governor deems it necessary in the public interest that a person be appointed to*  
29 *fill such temporary vacancy, shall appoint some person possessing the qualifications for election to such*

**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 *office to fill the temporary vacancy.]*

2 [(4)] (5) The person appointed by the [*county court or Governor pursuant to*] **governing body of**  
 3 **the county under** subsection [(2) or (3)] (4) of this section immediately shall qualify in the same  
 4 manner as a person elected to the office, and thereupon shall perform the duties of justice of the  
 5 peace for the district during the temporary absence or inability. During the temporary tenure, the  
 6 person shall receive the salary that the absent justice of the peace otherwise would have received  
 7 during the period. When any such appointee has qualified and entered upon the duties of office, the  
 8 appointment [*thereto shall*] **may** not be revoked or rescinded during the actual trial or hearing of  
 9 any action or proceeding before the appointee[; *but*]. The temporary appointment may be terminated  
 10 at any other time by written notice to that effect given by the [*appointing authority*] **governing body**  
 11 **of the county** and filed with the county clerk of the county.

12 [(5)] (6) Every justice of the peace is entitled to two [*weeks*] **weeks'** paid vacation every year  
 13 and during such absence the [*county court*] **governing body of the county** may appoint a justice  
 14 of the peace pro tempore pursuant to the provisions of [*subsections (2) and*] **subsection** (4) of this  
 15 section.

16 **SECTION 2. This 2009 Act does not take effect unless the amendment to the Oregon**  
 17 **Constitution proposed by House Joint Resolution 4 (2009) is approved by the people at the**  
 18 **next regular general election held throughout this state. This 2009 Act takes effect on the**  
 19 **effective date of that constitutional amendment.**

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