

A-Engrossed Senate Bill 256

Ordered by the Senate May 1
Including Senate Amendments dated May 1

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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.

[Requires that two Multnomah County judges hold court in City of Gresham.]

Authorizes Chief Justice of Supreme Court to establish specified fees.

Transfers continuing education programs for justices of the peace from Chief Justice to Oregon State Bar.

Authorizes court to prioritize cases if court lacks sufficient resources to comply with multiple time limits required by law.

Changes name of State Court Facilities Security Account to State Court Security Account. Expands use of moneys in account to include providing security for Judicial Department communications, data, information and records system.

Authorizes presiding judge of judicial district with more than one place where court regularly sits to consolidate court administrative functions for specified purposes, subject to approval of Chief Justice.

Streamlines family law facilitation and family court advocate programs. Repeals statutes that govern establishment of family court departments. Repeals statutes establishing and specifying purpose of Family Law Account.

Modifies State Court Administrator's duties relating to shorthand reporter certification.

Decreases amount of fee paid to jurors in circuit courts on third and subsequent days of required attendance.

Allows Judicial Department to issue warrant for unpaid fees. Creates procedures by which Judicial Department, certain state agencies and county tax collectors may garnish property of person who owes fees, taxes or debts.

Repeals statute requiring grand jury to inspect certain correctional facilities.

Streamlines consolidation of probation violation proceedings.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courts; creating new provisions; amending ORS 1.002, 1.175, 1.178, 1.810, 1.830, 3.428,
3 3.430, 3.434, 5.060, 8.420, 8.435, 8.445, 8.455, 10.061, 10.075, 18.854, 18.855, 21.020, 21.112, 21.125,
4 21.325, 24.190, 46.488, 51.245, 52.635, 107.425, 137.309, 137.547, 180.345 and 221.354; repealing ORS
5 1.050, 1.855, 3.016, 3.238, 3.405, 3.408, 3.412, 3.414, 3.417, 3.420, 3.423, 3.425, 3.432, 3.436, 3.438,
6 3.440, 8.430, 107.735 and 132.440; and declaring an emergency.

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

FEEES FOR USE OF ELECTRONIC APPLICATIONS

8
9
10
11 **SECTION 1.** ORS 1.002 is amended to read:

12 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-
13 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court
14 and the administrative head of the judicial department of government in this state. The Chief Justice

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 shall exercise administrative authority and supervision over the courts of this state consistent with
2 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate
3 exercise of that administrative authority and supervision, may:

4 (a) Make rules and issue orders appropriate to that exercise.

5 (b) Require appropriate reports from the judges, other officers and employees of the courts of
6 this state and municipal courts.

7 (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or
8 reassign on a temporary basis all judges of the courts of this state to serve in designated locations
9 within or without the county or judicial district for which the judge was elected.

10 (d) Set staffing levels for all courts of the state operating under the Judicial Department and for
11 all operations in the Judicial Department.

12 (e) Establish time standards for disposition of cases.

13 (f) Establish budgets for the Judicial Department and all courts operating under the Judicial
14 Department.

15 (g) Assign or reassign all court staff of courts operating under the Judicial Department.

16 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish
17 personnel rules and policies for judges of courts operating under the Judicial Department.

18 (i) Take any other action appropriate to the exercise of the powers specified in this section and
19 other law, and appropriate to the exercise of administrative authority and supervision by the Chief
20 Justice over the courts of this state.

21 (2) The Chief Justice may make rules **and establish fees** for the use of electronic applications
22 in the courts, including but not limited to rules relating to:

23 (a) Applications based on the use of the Internet and other similar technologies;

24 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu
25 of the original paper copy, for a document, process or paper that is served, delivered, received, filed,
26 entered or retained in any action or proceeding;

27 (c) The use of electronic signatures or another form of identification for any document, process
28 or paper that is served, delivered, received, filed, entered or retained in any action or proceeding
29 and that is required by any law or rule to be signed;

30 (d) The use of electronic transmission for the service of documents in a proceeding, other than
31 service of a summons or service of an initial complaint or petition;

32 (e) Payment of statutory or court-ordered monetary obligations through electronic media;

33 (f) Electronic storage of court documents;

34 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,
35 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333
36 or 810.425;

37 (h) Public access through electronic means to court documents that are required or authorized
38 to be made available to the public by law; and

39 (i) Transmission of open court proceedings through electronic media.

40 (3) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent
41 with the laws governing courts and court procedures, but any person who serves, delivers, receives,
42 files, enters or retains an electronic document, or an electronic image of a paper document in lieu
43 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection
44 (2) of this section shall be considered to have complied with any rule or law governing service, de-
45 livery, reception, filing, entry or retention of a paper document.

1 (4) Rules made and orders issued by the Chief Justice under this section shall permit as much
 2 variation and flexibility in the administration of the courts of this state as are appropriate to the
 3 most efficient manner of administering each court, considering the particular needs and circum-
 4 stances of the court, and consistent with the sound and efficient administration of the judicial de-
 5 partment of government in this state.

6 (5) The judges, other officers and employees of the courts of this state shall comply with rules
 7 made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge
 8 thereof, relating to the conduct of the business of the court shall be consistent with applicable rules
 9 made and orders issued by the Chief Justice.

10 (6) The Chief Judge of the Court of Appeals and the presiding judge of each judicial district of
 11 this state are the administrative heads of their respective courts. They are responsible and ac-
 12 countable to the Chief Justice of the Supreme Court in the exercise of their administrative authority
 13 and supervision over their respective courts. Other judges of the Court of Appeals or court under
 14 a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and to the
 15 Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of admin-
 16 istrative authority and supervision.

17 (7) The Chief Justice may delegate the exercise of any of the powers specified by this section
 18 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers
 19 specified by this section to the State Court Administrator, as may be appropriate.

20 (8) This section applies to justices of the peace and the justice courts of this state solely for the
 21 purpose of disciplining of justices of the peace [*and for the purpose of continuing legal education of*
 22 *justices of the peace*].

23
 24 **STATUTORY TIME LIMITS**

25
 26 **SECTION 2.** ORS 1.175 is amended to read:

27 1.175. [*Any time*] **If** a court of this state is directed by a provision of Oregon Revised Statutes
 28 to accord priority on [*its*] **the court's docket or meet a specific statutory time limit** for a par-
 29 ticular action or proceeding, and [*the priority to be accorded is unclear in light of other provisions*
 30 *of Oregon Revised Statutes*] **the court does not have sufficient resources to comply with both**
 31 **the statutory direction and another statutory or constitutional priority or timeline**, the court
 32 may accord such priorities as are consistent with[:]

33 [*(1) Specific statutory time limits; and*]

34 [(2)] the court's efficient administration of its caseload, giving due consideration to the interests
 35 sought to be furthered by **the Legislative Assembly in** according docket priorities to certain
 36 actions or proceedings before the court **and in establishing statutory time limits.**

37 **SECTION 3.** ORS 1.050 is repealed.

38
 39 **COURT SECURITY**

40
 41 **SECTION 4.** ORS 1.178 is amended to read:

42 1.178. (1) The State Court [*Facilities*] Security Account is established separate and distinct from
 43 the General Fund. The account consists of moneys deposited to the credit of the account under ORS
 44 137.309 (7). Interest earned by the State Court [*Facilities*] Security Account shall be credited to the
 45 account. Moneys in the account are continuously appropriated to the State Court Administrator for

1 the *[purpose]* **purposes** of:

2 (a) Providing security in buildings that contain or are utilized by the Supreme Court, Court of
3 Appeals, Oregon Tax Court or office of the State Court Administrator as described under ORS
4 1.177; and

5 (b) **Providing security for Judicial Department communications, data, information and**
6 **records systems.**

7 (2) Expenditures by the State Court Administrator from the State Court *[Facilities]* Security
8 Account shall be made only for:

9 (a) Developing or implementing a plan for state court security improvement, emergency
10 preparedness and business continuity under ORS 1.177; and

11 (b) Statewide training on state court security.

12 (3) The State Court Administrator shall provide to the Chief Justice of the Supreme Court at
13 least quarterly a financial report showing all revenues, deposits and expenditures from the State
14 Court *[Facilities]* Security Account maintained by the State Court Administrator.

15 (4) It is the intent of the Legislative Assembly that any amounts in the State Court *[Facilities]*
16 Security Account that are not needed for the purposes specified in *[subsection (2) of]* this section be
17 used to fund plans for security improvement, emergency preparedness and business continuity in
18 circuit courts, justice courts and municipal courts.

19 **SECTION 5.** ORS 137.309 is amended to read:

20 137.309. (1) Except as provided in subsection (4) of this section, whenever a circuit or municipal
21 court or a justice of a justice court imposes a sentence of a fine, term of imprisonment, probation
22 or any combination thereof, including a sentence imposed and thereafter suspended, as a penalty for
23 an offense as defined in ORS 161.505, excluding parking violations, an assessment in addition to such
24 sentence shall be collected.

25 (2) The assessment is not part of the penalty or in lieu of any part thereof. The amount of the
26 assessment shall be as follows:

27 (a) \$5, when the fine or forfeiture is \$5 to \$14.99.

28 (b) \$15, when the fine or forfeiture is \$15 to \$49.99.

29 (c) \$18, when the fine or forfeiture is \$50 to \$99.99.

30 (d) \$25, when the fine or forfeiture is \$100 to \$249.99.

31 (e) \$30, when the fine or forfeiture is \$250 to \$499.99.

32 (f) \$66, when the fine or forfeiture is \$500 or more.

33 (3) Assessments imposed under subsections (1) to (5) of this section shall be collected as provided
34 in subsections (6) to (9) of this section.

35 (4) The court is not required to impose the assessment, or a part of the assessment, if it finds
36 that the defendant is indigent or that imposition of the assessment would constitute an undue
37 hardship.

38 (5) Payment to a court shall not be credited to the assessment described in subsections (1) to
39 (5) of this section until all other fines, fees and assessments ordered by the court have been paid.

40 (6) Except as provided in subsections (7) and (8) of this section, amounts paid for the assessment
41 imposed by this section must be transferred by the court to the county treasurer of the county in
42 which the court is located not later than the last day of the month immediately following the month
43 in which the amounts are collected.

44 (7) Prior to making payment to the county treasurer as provided in subsections (6) and (9) of this
45 section, the clerk of a circuit, municipal or justice court:

1 (a) Shall withhold and deposit in the State Treasury to the credit of the State Court
2 [Facilities] Security Account the following amounts:

- 3 (A) \$3, when the assessment is \$15.
- 4 (B) \$4, when the assessment is \$18.
- 5 (C) \$5, when the assessment is \$25.
- 6 (D) \$6, when the assessment is \$30.
- 7 (E) \$7, when the assessment is \$66.

8 (b) May withhold an amount equal to the reasonable costs incurred by the clerk in collection
9 and distribution of the assessment.

10 (8) Prior to making payment to the county treasurer as provided in subsections (6) and (9) of this
11 section, the clerk of a circuit, municipal or justice court:

12 (a) Shall withhold and deposit in the State Treasury to the credit of the Law Enforcement
13 Medical Liability Account the following amounts:

- 14 (A) \$1, when the assessment is \$15 or \$18.
- 15 (B) \$2, when the assessment is \$25 or \$30.
- 16 (C) \$5, when the assessment is \$66.

17 (b) May withhold an amount equal to the reasonable costs incurred by the clerk in collection
18 and distribution of the assessment.

19 (9) A city that lies in more than one county shall pay the assessments it collects to each county
20 in proportion to the percent of the population of the city that resides in each county.

21
22 **JUDICIAL CONFERENCE**
23

24 **SECTION 6.** ORS 1.810 is amended to read:

25 1.810. There hereby is created and established a Judicial Conference of the State of Oregon. The
26 conference shall consist of all the judges of the Supreme Court, the Court of Appeals, the Oregon
27 Tax Court and the circuit courts and all senior judges certified under ORS 1.300. The Chief Justice
28 shall be chairperson of the conference and shall have power to invite any persons not members of
29 the conference to attend the meetings of the conference and consult with it in the performance of
30 its duties. The State Court Administrator shall act as executive secretary of the conference. *[Each*
31 *member of the conference, the State Court Administrator, and each person invited by the Chief Justice,*
32 *is entitled to reimbursement for hotel bills and traveling expenses necessarily incurred in the perform-*
33 *ance of duties relating to the Judicial Conference of the State of Oregon.]*

34 **SECTION 7.** ORS 1.830 is amended to read:

35 1.830. The conference shall meet *[at such time as shall be designated by its chairperson, not less*
36 *than once]* annually **or at such other times as the Chief Justice of the Supreme Court**
37 **directs.**

38
39 **JUSTICE AND MUNICIPAL COURT REGISTRY**
40

41 **SECTION 8.** ORS 1.855 is repealed.
42

43 **SIXTH JUDICIAL DISTRICT**
44

45 **SECTION 9.** ORS 3.016 is repealed.

SPECIAL TERMS OF COURT

SECTION 10. ORS 3.238 is repealed.

SECTION 11. ORS 5.060 is amended to read:

5.060. There shall be a term of the county court in each county for the transaction of judicial business on the first Monday of each month, and at such other times as the court in term or the judge in vacation may appoint[, *in like manner and with like effect as the circuit court or judge is authorized by ORS 3.238*]. The court shall be open at 10 a.m.

CONSOLIDATED COURT ADMINISTRATION

SECTION 12. Subject to approval by the Chief Justice of the Supreme Court, the presiding judge of a judicial district that contains more than one county, or that has more than one place within a county where the court regularly sits, may consolidate court administrative functions in one place for the purposes of:

(1) Filing, copying and inspecting documents;

(2) Receiving fees and other funds; and

(3) Conducting trials and other proceedings, other than criminal trials in which the defendant has not waived the venue specified by section 11, Article I of the Oregon Constitution.

FAMILY COURTS

SECTION 13. ORS 3.405, 3.408, 3.412, 3.414, 3.417, 3.420, 3.423, 3.425 and 3.432 are repealed.

SECTION 14. ORS 21.112 is amended to read:

21.112. (1) The clerk of the court shall collect at the time a proceeding described in subsection (4) of this section is filed a fee in an amount determined by the governing body of the county to be necessary in the particular type of case, in addition to any other funds used therefor, to pay the expenses of providing:

(a) Mediation under ORS 107.755 to 107.795;

(b) Conciliation services under ORS 107.510 to 107.610;

(c) Expedited parenting time enforcement under ORS 107.434;

[(d) *Education programs under ORS 3.425;*]

[(e)] (d) Investigations, evaluations, examinations and referrals for services under ORS 107.425; and

[(f)] (e) Any other program or service to which parties may be referred or that may be ordered by that court, including programs or services established to assist the court or a family in a domestic relations case if the presiding judge for the judicial district has approved the program or service.

(2) Before approving the provision of any program or service under subsection (1)(d) [to (f)] or (e) of this section, the presiding judge shall evaluate:

(a) The need for programs and services described in subsection (1)(a) to (c) of this section and the appropriate level of funding for those programs and services; and

(b) The impact on funding for the programs and services described in subsection (1)(a) to (c) of this section that would result from providing a program or service under subsection (1)(d) [to (f)]

1 **or (e)** of this section.

2 (3) The fees provided for in this section are in addition to all other fees that are collected by
3 the clerk at the time the proceeding is filed. Fees collected under this section shall be paid, in the
4 manner determined by the State Court Administrator, to the appropriate officer of the county within
5 the first 25 days of the month following the month in which collected. The fees shall be used by the
6 county to pay the expenses specified in subsection (1) of this section.

7 (4) The additional fee established by this section shall be collected by the clerk:

8 (a) In the following proceedings:

9 (A) Proceedings for dissolution of marriage, annulment of marriage or separation.

10 (B) Filiation proceedings under ORS 109.124 to 109.230.

11 (C) Proceedings to determine custody or support of a child under ORS 109.103.

12 (D) Proceedings for modifications of orders issued under subparagraphs (A) to (C) of this para-
13 graph.

14 (E) Proceedings under ORS 107.434.

15 (b) For responses in any of the proceedings listed in paragraph (a) of this subsection.

16
17 **FAMILY LAW FACILITATION PROGRAMS**

18
19 **SECTION 15.** ORS 3.428 is amended to read:

20 3.428. (1) *[A family law facilitation program may be established by the judges of the family court*
21 *department of a circuit court. If there is no family court department for the court, a family law facili-*
22 *tation program may be established for a circuit court by the presiding judge for the judicial district.*
23 *A family law facilitation program shall be designed to assist litigants in domestic relations or other*
24 *family court proceedings described in ORS 3.408.]* **The presiding judge for a judicial district may**
25 **establish a family law facilitation program for a circuit court in the judicial district to assist**
26 **litigants in the following proceedings:**

27 (a) **Proceedings under the provisions of ORS chapters 107, 108, 109 and 110;**

28 (b) **Proceedings under the provisions of ORS chapter 25;**

29 (c) **Guardianship proceedings for minors under the provisions of ORS chapter 125;**

30 (d) **Juvenile court proceedings under ORS chapters 419A, 419B and 419C;**

31 (e) **Proceedings to commit a person with a mental illness under the provisions of ORS**
32 **chapter 426 and ORS 430.397 to 430.401; and**

33 (f) **Probate proceedings under ORS chapters 111, 112, 113, 114, 115, 116 and 117.**

34 (2) *[The]* **A family law facilitation** program shall be developed in consultation with *[the]* **any**
35 local family law advisory committee established for the judicial district under ORS 3.434. The pro-
36 gram shall operate under the supervision of *[the family court department or, if there is no family court*
37 *department, under the supervision of]* the presiding judge for the judicial district. *[Services under the*
38 *program shall be provided by court personnel in facilities under the supervision and control of the*
39 *family court department or, if there is no family court department, under the supervision and control*
40 *of the presiding judge for the judicial district. The program may provide:]*

41 *[(a) Educational materials.]*

42 *[(b) Court forms.]*

43 *[(c) Assistance in completing forms.]*

44 *[(d) Information about court procedures.]*

45 *[(e) Referrals to agencies and resources that provide legal and other services to parents or*

1 *children.]*

2 *[(2) All materials, forms, instructions and referral lists provided through the program must be ap-*
3 *proved by the family court department or, if there is no family court department, by the presiding judge*
4 *for the judicial district.]*

5 *[(3) Except for those fees authorized for forms under ORS 21.361, services provided through the*
6 *program shall be provided without charge.]*

7 *[(4)] (3) An employee or other person providing services to litigants through a family law facil-*
8 *itation program as provided in this section is not engaged in the practice of law for the purposes*
9 *of ORS 9.160.*

10 *[(5) Except as provided in subsection (6) of this section, an employee or other person who assisted*
11 *litigants through a family law facilitation program may not, for a period of one year after leaving the*
12 *program, charge or collect any fee from a litigant for services relating to a matter that was the subject*
13 *of assistance under the program.]*

14 *[(6) The prohibition of subsection (5) of this section does not apply to persons admitted to the*
15 *practice of law in this state.]*

16
17 **FAMILY COURT ADVOCATE PROGRAMS**

18
19 **SECTION 16.** ORS 3.430 is amended to read:

20 3.430. (1) **In counties designated by the Chief Justice of the Supreme Court,** the Judicial
21 Department *[shall] may* establish family court advocate programs *[in counties specified in subsection*
22 *(4) of this section] to integrate and coordinate family-focused prevention and intervention*
23 **services for at-risk families.** *[The programs shall be designed to develop an efficient system for*
24 *providing integrated, family-focused prevention and intervention services to at-risk families identified*
25 *by the family courts in those counties, and to coordinate available human services and community re-*
26 *sources with the family courts in those counties, both for the purpose of court proceedings and for the*
27 *purpose of preventing the types of problems that eventually lead to involvement with the judicial*
28 *system.]*

29 *[(2) The family court advocate programs implemented under this section shall emphasize the fol-*
30 *lowing goals:]*

31 *[(a) Protection of children.]*

32 *[(b) Successful completion of family plans designed by the programs.]*

33 *[(c) Improved linkage between the family court and community services.]*

34 *[(d) Improvements in the functioning of each family that is provided services by the programs.]*

35 *[(e) Decreased caseload in the courts of this state in matters relating to families.]*

36 *[(f) Integration of family services.]*

37 *[(g) Identification of and referral to alternatives to court proceedings.]*

38 *[(3) The family court advocate programs shall:]*

39 *[(a) Coordinate services that are available to persons who are parties in proceedings before the*
40 *family court, or who may become parties in proceedings before the family court.]*

41 *[(b) Assist human services agencies in efforts made by those agencies to collaborate with the family*
42 *court.]*

43 *[(c) Assist circuit court judges in viewing litigation involving families with a focus on the family*
44 *instead of viewing the parties as individual litigants.]*

45 *[(d) Intervene with at-risk families who do not receive governmental assistance.]*

1 *[(e) Research, identify and advocate new programs that will improve the use of family courts.]*

2 *[(4)] (2) Family court advocate programs [shall] **may** be established in [Jackson County,*
3 *Deschutes County and such other] counties [as may be] designated by the Chief Justice of the Su-*
4 *preme Court.*

5
6 **COORDINATION OF SERVICES IN FAMILY LAW CASES**

7
8 **SECTION 17.** ORS 3.434 is amended to read:

9 3.434. *[(1) No later than January 1, 1999, the presiding judge of each judicial district shall adopt*
10 *a plan to coordinate the provision of services to families involved in domestic relations or other family*
11 *court proceedings.]*

12 *[(2)] The presiding judge of [the] a judicial district [shall] **may** establish a local family law ad-*
13 *visory committee for the judicial district. [The committee will prepare the plan required by subsection*
14 *(1) of this section. The membership of the local advisory committee must reflect the diversity of the ju-*
15 *dicial district and must include, in addition to the presiding judge or a judge designated by the pre-*
16 *siding judge, the trial court administrator and business, social service, community and government*
17 *representatives who must be knowledgeable in family and family law issues.] In judicial districts*
18 *composed of more than one county, the presiding judge may establish a local advisory committee in*
19 *each county or establish one or more committees to serve multiple counties.*

20 *[(3)(a) At a minimum, the local family law advisory committee shall address the following in the*
21 *plan:]*

22 *[(A) Mandates for mediation of child custody or parenting time disputes, requiring each party to*
23 *attend either a group or private mediation orientation session;]*

24 *[(B) Methods of coordinating cases when the same child or family is involved in multiple cases;*
25 *and]*

26 *[(C) The need for, and provision of, conciliation services, mediation services, child custody evalu-*
27 *ations, parent education and visitation services.]*

28 *[(b) The local advisory committee may include other elements in the plan, including but not limited*
29 *to:]*

30 *[(A) The need for, and provision of, services relating to prevention and early intervention; and]*

31 *[(B) The use of settlement options such as mediation, conciliation, arbitration and settlement con-*
32 *ferences.]*

33 *[(c) The local advisory committee shall include in the plan a list of mediators qualified to provide*
34 *mediation in cases involving spousal support and division of property issues. Once the list is developed,*
35 *the judicial district shall maintain the list.]*

36 *[(4) The local family law advisory committee shall present the plan to the county governing body*
37 *of each county within the judicial district and to the presiding judge of the judicial district for their*
38 *approval. The local advisory committee shall send copies of the plan to the Chief Justice of the Supreme*
39 *Court and those members of the Oregon House of Representatives and the Oregon Senate who represent*
40 *the areas within the judicial district.]*

41 *[(5) The local family law advisory committee may assist in implementing, monitoring and revising*
42 *the plan. The local advisory committee, working in conjunction with legal service providers, may co-*
43 *ordinate access to family law resources, including family law facilitation and other services.]*

44 **SECTION 18.** ORS 180.345 is amended to read:

45 180.345. (1) The Department of Justice is responsible for the administration, supervision and

1 operation of the program authorized by Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.),
 2 hereinafter the Child Support Program. The Administrator of the Division of Child Support of the
 3 Department of Justice is the Child Support Program Director for the State of Oregon.

4 (2) The Department of Justice, by and through the director, may:

5 (a) Enter into cooperative agreements with appropriate courts, law enforcement officials, district
 6 attorneys, Indian tribes or tribal organizations and state agencies to provide assistance in carrying
 7 out Child Support Program services and any other matters of common concern;

8 (b) Provide billing, receipting, record keeping, accounting and distribution services for child and
 9 spousal support cases that receive services required under state and federal law;

10 (c) Maintain the state plan required under federal law and act as the liaison for the Child Sup-
 11 port Program with the United States Department of Health and Human Services;

12 (d) Establish policy and adopt rules for the operation of the Child Support Program by the De-
 13 partment of Justice and by entities entering into cooperative agreements under this section;

14 (e) Conduct performance and program audits of entities entering into cooperative agreements
 15 under this section; and

16 (f) Perform any other act necessary or desirable to ensure the effective administration of the
 17 Child Support Program under state and federal law.

18 (3) The Department of Justice shall accept and disburse federal funds made available to the
 19 state for provision of the Child Support Program and all related functions in a manner consistent
 20 with federal law. The department may retain the state share of moneys recovered under child sup-
 21 port assignments for the administration of the Child Support Program as allowed under federal
 22 regulations.

23 (4) It is the policy of the Child Support Program to inform persons served by the program, in a
 24 manner consistent with federal law, of resources not provided by the program that are available for
 25 assistance in family law matters including, but not limited to, services provided through the courts
 26 of this state, the Oregon State Bar, law schools and legal service providers that receive funding from
 27 fees collected under ORS 21.480. The program shall consult with *[the]* **any** local family law advisory
 28 committees established under ORS 3.434 to ensure that eligible individuals are aware of the services
 29 offered by the program. The policy described in this subsection shall be incorporated into staff
 30 training and is applicable to all entities that have entered into cooperative agreements with the
 31 Department of Justice under this section.

32 (5) The director shall ensure that Child Support Program policy and rules, to the maximum ex-
 33 tent practicable, meet the needs of the majority of families served by the program. The director shall
 34 guide program staff regarding implementation of the policy and rules.

35 STATEWIDE FAMILY LAW ADVISORY COMMITTEE

37
 38 **SECTION 19. ORS 3.436 is repealed.**

39 **SECTION 20.** ORS 107.425 is amended to read:

40 107.425. (1) In suits or proceedings described in subsection (4) of this section in which there are
 41 minor children involved, the court may cause an investigation to be made as to the character, family
 42 relations, past conduct, earning ability and financial worth of the parties for the purpose of pro-
 43 tecting the children's future interest. The court may defer the entry of a general judgment until the
 44 court is satisfied that its judgment in such suit or proceeding will properly protect the welfare of
 45 such children. The investigative findings shall be offered as and subject to all rules of evidence.

1 Costs of the investigation may be charged against one or more of the parties or as a cost in the
2 proceedings but shall not be charged against funds appropriated for public defense services.

3 (2) The court, on its own motion or on the motion of a party, may order an independent physical,
4 psychological, psychiatric or mental health examination of a party or the children and may require
5 any party and the children to be interviewed, evaluated and tested by an expert or panel of experts.
6 The court may also authorize the expert or panel of experts to interview other persons and to re-
7 quest other persons to make available to the expert or panel of experts records deemed by the court
8 or the expert or panel of experts to be relevant to the evaluation. The court may order the parties
9 to authorize the disclosure of such records. In the event the parties are unable to stipulate to the
10 selection of an expert or panel of experts to conduct the examination or evaluation, the court shall
11 appoint a qualified expert or panel of experts. The court shall direct one or more of the parties to
12 pay for the examination or evaluation in the absence of an agreement between the parties as to the
13 responsibility for payment but shall not direct that the expenses be charged against funds appro-
14 priated for public defense services. If more than one party is directed to pay, the court may deter-
15 mine the amount that each party will pay based on financial ability.

16 (3)(a) In addition to an investigation, examination or evaluation under subsections (1) and (2)
17 of this section, the court may appoint an individual or a panel or may designate a program to assist
18 the court in creating parenting plans or resolving disputes regarding parenting time and to assist
19 parents in creating and implementing parenting plans. The services provided to the court and to
20 parents under this section may include:

21 (A) Gathering information;

22 (B) Monitoring compliance with court orders;

23 (C) Providing the parents, their attorneys, if any, and the court with recommendations for new
24 or modified parenting time provisions; and

25 (D) Providing parents with problem solving, conflict management and parenting time coordi-
26 nation services or other services approved by the court.

27 (b) Services provided under this section may require the provider to possess and utilize medi-
28 ation skills, but the services are not comprised exclusively of mediation services under ORS 107.755
29 to 107.795. If only mediation services are provided, the provisions of ORS 107.755 to 107.795 apply.

30 (c) The court may order one or more of the parties to pay for services provided under this
31 subsection, if the parties are unable to agree on their respective responsibilities for payment. The
32 court may not order that expenses be charged against funds appropriated for public defense services.

33 (d) The presiding judge of each judicial district shall establish qualifications for the appointment
34 and training of individuals and panels and the designation of programs under this section. *[In es-*
35 *tablishing qualifications, a presiding judge shall take into consideration any guidelines recommended*
36 *by the statewide family law advisory committee.]*

37 (4) The provisions of this section apply when:

38 (a) A person files a domestic relations suit, as defined in ORS 107.510;

39 (b) A motion to modify an existing judgment in a domestic relations suit is before the court;

40 (c) A parent of a child born to an unmarried woman initiates a civil proceeding to determine
41 custody or support under ORS 109.103;

42 (d) A person petitions or files a motion for intervention under ORS 109.119;

43 (e) A person or the administrator files a petition under ORS 109.125 to establish paternity and
44 paternity is established; or

45 (f) A habeas corpus proceeding is before the court.

1 (5) Application of the provisions of subsection (1), (2) or (3) of this section to the proceedings
2 under subsection (4) of this section does not prevent initiation, entry or enforcement of an order of
3 support.

4 (6) The court, on its own motion or on the motion of a party, may appoint counsel for the chil-
5 dren. However, if requested to do so by one or more of the children, the court shall appoint counsel
6 for the child or children. A reasonable fee for an attorney so appointed may be charged against one
7 or more of the parties or as a cost in the proceedings but shall not be charged against funds ap-
8 propriated for public defense services.

9 (7) Prior to the entry of an order, the court on its own motion or on the motion of a party may
10 take testimony from or confer with the child or children of the marriage and may exclude from the
11 conference the parents and other persons if the court finds that such action would be likely to be
12 in the best interests of the child or children. However, the court shall permit an attorney for each
13 party to attend the conference and question the child, and the conference shall be reported.

14
15 **FAMILY LAW ACCOUNT**

16
17 **SECTION 21. ORS 3.438, 3.440 and 107.735 are repealed.**

18
19 **SHORTHAND REPORTERS**

20
21 **SECTION 22.** ORS 8.420 is amended to read:

22 8.420. (1) The State Court Administrator [*shall*] **may** verify the qualifications of shorthand re-
23 porters to be certified and shall issue the certificate of shorthand reporter to qualified applicants.

24 (2) The administrator shall:

25 (a) Adopt policies necessary to administer ORS 8.415 to 8.455 [*and may appoint any committees*
26 *necessary to function in accordance with ORS 8.415 to 8.455*].

27 (b) **Establish qualifications for certification of shorthand reporters, including speed re-**
28 **quirements. In establishing speed requirements under this section, the administrator shall**
29 **consider standards developed by nationally recognized certification programs.**

30 (c) **Adopt policies for the examination of applicants and the issuance of certificates under**
31 **ORS 8.415 to 8.455.**

32 (d) **Issue certificates to applicants upon compliance with the requirements of ORS 8.415**
33 **to 8.455 and policies of the administrator.**

34 (e) **Establish continuing education requirements for periodic renewal of certificates is-**
35 **sued under ORS 8.415 to 8.455.**

36 (f) **Establish a code of conduct and grounds for discipline of certified shorthand reporters.**

37 (3) The administrator [*shall*] **may**:

38 (a) Adopt policies **establishing categories of shorthand reporter certification based on ap-**
39 **propriate skill and performance levels and** establishing the qualifications necessary for the issu-
40 **ance of a certificate of certified shorthand reporter[;] for each of those categories; and**

41 [*(b) Determine the qualifications of persons applying for certificates under ORS 8.415 to 8.455;*]

42 [*(c) Adopt policies for the examination of applicants and the issuing of certificates under ORS 8.415*
43 *to 8.455;*]

44 [*(d) Grant certificates to qualified applicants upon compliance with ORS 8.415 to 8.455 and policies*
45 *of the administrator;*]

1 *[(e) Establish continuing education requirements for biennial renewal of certificates;]*

2 *[(f) Collect fees as set by the administrator;]*

3 *[(g) Require the biennial renewal of all certificates;]*

4 *[(h) Establish a code of conduct and grounds for disciplinary action; and]*

5 *[(i)]* **(b)** Investigate complaints regarding *[court]* **certified shorthand** reporters.

6 (4) The Certified Shorthand Reporters Advisory Committee shall recommend:

7 (a) Standards establishing the qualifications necessary for the issuance of a certificate of certi-
8 fied shorthand reporter;

9 (b) Qualifications required of persons applying for certificates under ORS 8.415 to 8.455;

10 (c) Procedures for the examination of applicants and the issuing of certificates under ORS 8.415
11 to 8.455;

12 (d) Certificates be granted by the administrator to qualified applicants upon compliance with
13 ORS 8.415 to 8.455 and policies of the administrator;

14 (e) Continuing education requirements for *[biennial]* **periodic** renewal of certificates;

15 (f) A code of conduct and grounds for suspension or revocation of certificates or other discipli-
16 nary action to the administrator;

17 (g) Investigation of complaints regarding *[court]* **certified shorthand** reporters at the direction
18 of the administrator; and

19 (h) Any corrective action that may be required.

20 **SECTION 23.** ORS 8.435 is amended to read:

21 8.435. (1) *[The certificate of certified shorthand reporter shall be granted]* **The State Court Ad-**
22 **ministrator shall grant a shorthand reporter certificate** to any person who meets the require-
23 ments of ORS 8.415 to 8.455 and policies of the State Court Administrator.

24 (2) Any person who has received from the administrator a certificate of “certified shorthand
25 reporter” shall be styled and known as a “certified shorthand reporter” and may also use the ab-
26 breviation of “C.S.R.”

27 *[(3) A certificate shall be renewed biennially as provided by policies of the administrator.]*

28 *[(4) Certificates issued by the administrator may be renewed biennially upon payment of the fee*
29 *established under ORS 8.445, completion of established continuing education requirements and compli-*
30 *ance with the code of conduct policy as established by the administrator.]*

31 **(3) The administrator shall renew a certificate issued under ORS 8.415 to 8.455 period-**
32 **ically as provided by the administrator’s policies and timelines for completion of continuing**
33 **education requirements, compliance with the code of conduct established under ORS 8.420 (2)**
34 **and payment of a renewal fee established by the administrator.**

35 *[(5)]* **(4)** A person may not assume or use the title or designation “certified shorthand
36 reporter” or the abbreviation “C.S.R.” or any other title, designation, words, letters, abbreviation,
37 sign or device tending to indicate that the person is a certified shorthand reporter unless the person
38 has received a certificate as a certified shorthand reporter under ORS 8.415 to 8.455 and policies
39 of the administrator that is not revoked, suspended or lapsed.

40 **SECTION 24.** ORS 8.445 is amended to read:

41 8.445. *[(1) The State Court Administrator shall establish a fee schedule for fees authorized by ORS*
42 *8.415 to 8.455, as follows:]*

43 *[(a) Not to exceed \$100 for initial registration.]*

44 *[(b) Not to exceed \$100 for biennial renewal.]*

45 *[(c) Not to exceed \$100 for the examination.]*

1 provide by ordinance for an additional juror fee and for city or county reimbursement of jurors for
2 mileage and other expenses incurred in serving as jurors in courts other than circuit courts.

3 **SECTION 28.** ORS 221.354 is amended to read:

4 221.354. (1) In all prosecutions for any crime defined and made punishable by any city charter
5 or ordinance the defendant shall have the right of trial by jury, of six in number. Juries shall be
6 selected from the latest tax roll and registration books used at the last city election in the same
7 manner in which juries are selected for circuit courts. The verdict of the jury shall be unanimous.

8 (2) Where provision is made for the payment of jury fees by the defendant as a deposit to ensure
9 a jury trial, and where the defendant is found not guilty, the deposit shall be returned to the de-
10 fendant.

11 (3) The deposit required by the municipal court to ensure the right of trial by jury, under the
12 charter of the city, shall not be greater than that provided by ORS 10.061 [*in courts other than circuit*
13 *courts*] for payment for each juror sworn multiplied by the number of jurors constituting a jury un-
14 der the terms of the charter.

15
16 **WARRANT AUTHORITY AND NOTICES OF GARNISHMENT**

17
18 **SECTION 29.** **If any person fails to pay in full any fees imposed under ORS 1.202, the**
19 **Judicial Department may issue a warrant for payment of the amount due, with interest and**
20 **cost of executing the warrant. At any time after the issuance of a warrant under this sec-**
21 **tion, the department may record a copy of the warrant in any County Clerk Lien Record as**
22 **provided in ORS 205.125. The warrant may thereafter be enforced as provided in ORS 205.126.**

23 **SECTION 30.** ORS 18.854 is amended to read:

24 18.854. [(1) Any state agency authorized to issue warrants to collect taxes and debts owed to the
25 State of Oregon, including but not limited to warrants issued pursuant to ORS 179.655, 184.644,
26 267.385, 293.250, 314.430, 316.207, 320.080, 321.570, 323.390, 411.703, 657.396, 657.642, 657.646, 705.175
27 and 825.504, or any county tax collector authorized to issue warrants to collect taxes and debts owed
28 to the county pursuant to ORS 311.625, may garnish property of a debtor in the possession, control or
29 custody of a person other than the debtor by delivering to the person all of the following:]

30 [(a) A notice of garnishment;]

31 [(b) A warrant, or a true copy of a warrant;]

32 [(c) The items specified in ORS 18.650 (1)(b) to (d); and]

33 [(d) Any garnishee's search fee payable as provided in ORS 18.790.]

34 (1) **A notice of garnishment may be issued by:**

35 (a) **Any state agency authorized to issue warrants to collect taxes and debts owed to the**
36 **State of Oregon, including but not limited to warrants issued pursuant to ORS 179.655,**
37 **184.644, 267.385, 293.250, 314.430, 316.207, 320.080, 321.570, 323.390, 411.703, 657.396, 657.642,**
38 **657.646, 705.175 and 825.504;**

39 (b) **The Judicial Department, for the enforcement of warrants issued under section 29 of**
40 **this 2009 Act; or**

41 (c) **Any county tax collector authorized to issue warrants to collect taxes and debts owed**
42 **to the county pursuant to ORS 311.625.**

43 (2) **A state agency, the Judicial Department or a county tax collector may garnish prop-**
44 **erty of a debtor in the possession, control or custody of a person other than the debtor by**
45 **delivering to the person all of the following:**

- 1 (a) A notice of garnishment;
- 2 (b) A warrant, or a true copy of a warrant;
- 3 (c) The items specified in ORS 18.650 (1)(b) to (d); and
- 4 (d) Any garnishee's search fee payable as provided in ORS 18.790.

5 (3) If a judgment includes a monetary obligation that a court or the Judicial Department
6 may collect on behalf of the state, the department may garnish property of the judgment
7 debtor in the possession, control or custody of a person other than the judgment debtor by
8 delivering to the person all of the following:

- 9 (a) A notice of garnishment;
- 10 (b) The items specified in ORS 18.650 (1)(b) to (d); and
- 11 (c) Any garnishee's search fee payable as provided in ORS 18.790.

12 [(2)] (4) A notice of garnishment may be issued by any person designated by the state agency,
13 by the Judicial Department or by the county tax collector. A warrant need not be recorded in the
14 County Clerk Lien Record as a condition of issuing a notice of garnishment under the provisions
15 of this section. The provisions of ORS 18.800 do not apply to a notice of garnishment.

16 [(3)] (5) If any of the items described in [subsection (1)] subsections (1) to (3) of this section
17 are not delivered to the garnishee, a notice of garnishment shall not be effective to garnish any
18 property of the debtor, and the garnishee shall not be required to respond to the garnishment and
19 may proceed to deal with any property of the debtor as though the notice of garnishment had not
20 been issued.

21 [(4)] (6) Notwithstanding ORS 18.652, a notice of garnishment and the other items required by
22 [subsection (1)] subsections (1) to (3) of this section may be delivered in person by any employee
23 of the state agency, the Judicial Department or [of] the county tax collector authorized by the
24 agency, the department or the county to deliver the notice of garnishment, or by certified mail,
25 return receipt requested. The employee need not be covered by the errors and omissions insurance
26 required in ORS 18.652.

27 [(5)] (7) Notwithstanding any provision of ORS 18.600 to 18.850, a debt calculation form need
28 not be prepared or delivered for any notice of garnishment.

29 [(6)] (8) Notwithstanding ORS 18.792, the duty of a garnishee to deliver any property of the
30 debtor that may be contained in a safe deposit box that is in the garnishee's possession, control or
31 custody at the time of delivery of the notice of garnishment to the garnishee is conditioned upon the
32 state agency, the Judicial Department or the county tax collector first paying to the garnishee,
33 in addition to the search fee provided for in ORS 18.790, all reasonable costs incurred by the
34 garnishee in gaining entry to the safe deposit box. The costs shall be paid to the garnishee by the
35 state agency, the Judicial Department or the county tax collector at least five days before the
36 date the state agency, the Judicial Department or the county tax collector takes possession of the
37 property in the safe deposit box. If the state agency, the Judicial Department or the county tax
38 collector fails to pay such costs to the garnishee within 20 days after the delivery of the garnishee
39 response, the garnishment shall not be effective to garnish any property of the debtor that may be
40 contained in the safe deposit box and the garnishee may proceed to deal with the safe deposit box
41 and its contents as though the notice of garnishment had not been issued. Nothing in this subsection
42 limits the rights of a state agency, the Judicial Department or a county tax collector to reach the
43 contents of any safe deposit box in any manner otherwise provided by law.

44 [(7)] (9) Except as provided in this section and ORS 18.855 and 18.857, all provisions of ORS
45 18.600 to 18.850 apply to notices of garnishment. The state agency, the Judicial Department or the

1 county tax collector shall modify the forms provided in ORS 18.600 to 18.850 as necessary to allow
 2 use of those forms for notices of garnishment. The form of the notice of garnishment must clearly
 3 indicate that the document is a notice of garnishment and must reflect the date of all warrants on
 4 which the notice of garnishment is based.

5 [(8)] (10) The Attorney General may adopt model forms for notices of garnishment and other
 6 documents issued by state agencies, **the Judicial Department** and county tax collectors under this
 7 section and ORS 18.855 and 18.857. *[There is a presumption, as described in ORS 40.120, that any]*
 8 **If a state agency, the Judicial Department or a county tax collector [that] uses a model form**
 9 **adopted by the Attorney General under this subsection, there is a presumption, as described in**
 10 **ORS 40.120, that the garnishor** has complied with the requirements of ORS 18.600 to 18.850, and
 11 with the provisions of this section and ORS 18.855 and 18.857, with respect to the form of notices
 12 of garnishment.

13 **SECTION 31.** ORS 18.855 is amended to read:

14 18.855. (1) Notwithstanding ORS 18.607, a notice of garnishment issued by a state agency **or by**
 15 **the Judicial Department** need not contain the name of a court whose authority is invoked.

16 (2) State agencies shall make such modifications as are necessary in the wage exemption cal-
 17 culation form provided by ORS 18.840 if a notice of garnishment is issued for a debt due for a state
 18 tax that is subject to the provisions of ORS 18.385 (6).

19 (3) Notwithstanding ORS 18.625, but subject to ORS 18.618 (2), a notice of garnishment issued
 20 by a state agency **or by the Judicial Department** acts to garnish all wages earned by the debtor
 21 by reason of services to the garnishee until the full amount of the debt is paid or until the notice
 22 of garnishment is released by the state agency, **by the Judicial Department** or by court order. A
 23 notice of garnishment issued by a state agency **or by the Judicial Department** must contain lan-
 24 guage reasonably designed to notify the garnishee of the provisions of this subsection.

25 (4) Notwithstanding ORS 18.690, a garnishee who receives a notice of garnishment issued by a
 26 state agency need not deliver a copy of the garnishee response to the clerk of the court, but must
 27 deliver the original of the response to the state agency.

28 (5) Notwithstanding ORS 18.700, a challenge to a notice of garnishment issued by a state agency
 29 must be delivered in person or by first class mail to the state agency within the time specified by
 30 ORS 18.700 (2). Within 14 days after receiving the challenge, the state agency must either concede
 31 the challenge or give the person making the challenge opportunity for hearing. If the person making
 32 the challenge requests a hearing, the agency shall immediately refer the challenge to the Office of
 33 Administrative Hearings established under ORS 183.605. The hearing shall be conducted as soon as
 34 possible. Notwithstanding ORS 183.315, the hearing shall be conducted as a contested case hearing.
 35 An issue that was decided in a previous hearing, or for which the debtor was previously afforded
 36 an opportunity for hearing, may not be reconsidered.

37 (6) If a state agency is issuing a notice of garnishment for collection of a state tax, and the state
 38 agency has reason to believe that the debtor intends to leave the state or do any other act that
 39 would jeopardize collection of the tax, the state agency may issue a special notice of garnishment.
 40 Any earnings, as defined in ORS 18.375, garnished under a special notice of garnishment are not
 41 subject to a claim of exemption under ORS 18.385. A special notice of garnishment issued under this
 42 subsection garnishes only that property of the debtor that is in the garnishee's possession, control
 43 or custody at the time the special notice is delivered, including debts not yet due, and all wages
 44 owed by the garnishee to the debtor at the time the special notice is delivered. A special notice of
 45 garnishment does not act to garnish wages earned by the debtor by reason of services rendered to

1 the garnishee after the delivery of the special notice of garnishment.

2 (7) A special notice of garnishment issued under subsection (6) of this section shall contain a
3 statement indicating that it is a special notice of garnishment under subsection (6) of this section
4 and a statement reflecting the provisions of subsection (6) of this section. Notwithstanding ORS
5 18.854 (1), a wage exemption calculation form shall not be delivered to the garnishee with a special
6 notice of garnishment.

7
8 **FEEES FOR COPIES AND COURT SEAL**

9
10 **SECTION 32.** ORS 21.020 is amended to read:

11 21.020. [(1) *The State Court Administrator shall collect a fee of \$1 for affixing the seal of the court*
12 *to a document.*]

13 [(2)] The Chief Justice of the Supreme Court by order may establish or authorize fees for copies
14 of records of the appellate courts and the administrative offices of the State Court Administrator,
15 for services relating to those records and for other services that the appellate courts or adminis-
16 trative offices of the State Court Administrator are authorized or required to perform for which no
17 fees are specifically provided by law. [*The fee established by the Chief Justice for paper copies of re-*
18 *records may not exceed 25 cents per page, except for records for which additional services are required.*
19 *If additional services are required, fees for providing the records are subject to ORS 192.440.*]

20
21 **SETTLEMENT CONFERENCE FEE**

22
23 **SECTION 33.** ORS 21.125 is amended to read:

24 21.125. (1) In any action, suit or proceeding subject to a fee under ORS 21.110, or in any civil
25 appeal or petition subject to a fee under ORS 21.010, the Chief Justice of the Supreme Court may
26 require that a \$50 fee be paid at the time of filing a motion identified by the Chief Justice as being
27 subject to a fee under this section. If the Chief Justice has identified a motion as being subject to
28 a fee under this section, the responding party must file a fee of \$35 upon the filing of a response to
29 the motion. The Chief Justice by order shall identify motions that are subject to fees under this
30 section.

31 (2) The fees provided for in this section may not be collected from the state, a county, a city
32 or a school district.

33 (3) The fees provided for in this section may not be collected for motions for judgment by vol-
34 untary dismissal under ORCP 54 A(1), for motions for judgment by written stipulation under ORCP
35 67 F or for motions for entry of default judgment under ORCP 69 B(1).

36 (4) The fees provided for in this section may not be collected for motions made to an arbitrator
37 or mediator in an arbitration or mediation required or offered by a court, or [to] **collected for** any
38 motion relating to an arbitration or mediation required or offered by a court.

39 **(5) The Chief Justice may establish fees for settlement conferences.**

40
41 **FEEES FOR RECORD SEARCHES**

42
43 **SECTION 34.** ORS 21.325 is amended to read:

44 21.325. (1) In the circuit court there shall be charged and collected in advance by the clerk of
45 the court the following fees for the following purposes and services:

1 [(1)] (a) Making transcription of a judgment entered in the register, \$7.

2 [(2)] (b) Filing and entering transcript of judgment, \$7.

3 [(3)] (c) Filing copy of foreign judgment and affidavit filed as provided in ORS 24.115 and 24.125
4 or copy of child custody determination of another state filed as provided in ORS 109.787, \$39.

5 [(4)] (d) Issuing writs of execution or writs of garnishment, \$12 for each writ.

6 [(5)] (e) Preparing a certified copy of a satisfaction document under ORS 18.225 (5), \$6.

7 [(6)] (f) Issuing an order under ORS 18.265 requiring a judgment debtor to appear when the or-
8 der is issued by any court other than the court in which the original judgment was entered, \$4.

9 [(7)] (g) Issuing notices of restitution as provided in ORS 105.151, \$3 for each notice.

10 [(8)] (h) For any service the clerk may be required or authorized to perform and for which no
11 fee is provided by law, such fees as the Chief Justice of the Supreme Court may establish or
12 authorize[, *except that a fee may not be charged for location or inspection of court records*].

13 **(2) The Chief Justice may establish fees reasonably calculated to reimburse the circuit
14 court for the court's actual cost of making court records available.**

15 **SECTION 35.** ORS 24.190 is amended to read:

16 24.190. (1) For the purposes of this section:

17 (a) "Foreign restraining order" means a restraining order that is a foreign judgment as defined
18 by ORS 24.105.

19 (b)(A) "Restraining order" means an injunction or other order issued for the purpose of pre-
20 venting:

21 (i) Violent or threatening acts or harassment against another person;

22 (ii) Contact or communication with another person; or

23 (iii) Physical proximity to another person.

24 (B) "Restraining order" includes temporary and final orders, other than support or child custody
25 orders, issued by a civil or criminal court regardless of whether the order was obtained by filing
26 an independent action or as a pendente lite order in another proceeding. However, for a civil order
27 to be considered a restraining order, the civil order must have been issued in response to a com-
28 plaint, petition or motion filed by or on behalf of a person seeking protection.

29 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, immediately upon the
30 arrival in this state of a person protected by a foreign restraining order, the foreign restraining
31 order is enforceable as an Oregon order without the necessity of filing and continues to be en-
32 forceable as an Oregon order without any further action by the protected person.

33 (b) A foreign restraining order is not enforceable as an Oregon order if:

34 (A) The person restrained by the order shows that:

35 (i) The court that issued the order lacked jurisdiction over the subject matter or lacked personal
36 jurisdiction over the person restrained by the order; or

37 (ii) The person restrained by the order was not given reasonable notice and an opportunity to
38 be heard under the law of the jurisdiction in which the order was issued; or

39 (B) The foreign restraining order was issued against a person who had petitioned for a re-
40 straining order unless:

41 (i) The person protected by the foreign restraining order filed a separate petition seeking the
42 restraining order; and

43 (ii) The court issuing the foreign restraining order made specific findings that the person was
44 entitled to the order.

45 (3)(a) A person protected by a foreign restraining order may present a true copy of the order

1 to a county sheriff for entry into the Law Enforcement Data System maintained by the Department
2 of State Police. Subject to paragraph (b) of this subsection, the county sheriff shall enter the order
3 into the Law Enforcement Data System if the person certifies that the order is the most recent order
4 in effect between the parties and provides proof of service or other written certification that the
5 person restrained by the order has been personally served with a copy of the order or has actual
6 notice of the order. Entry into the Law Enforcement Data System constitutes notice to all law
7 enforcement agencies of the existence of the restraining order. Law enforcement agencies shall es-
8 tablish procedures adequate to ensure that an officer at the scene of an alleged violation of the or-
9 der may be informed of the existence and terms of the order. The order is fully enforceable as an
10 Oregon order in any county or tribal land in this state.

11 (b) The Department of State Police shall specify information that is required for a foreign re-
12 straining order to be entered into the Law Enforcement Data System.

13 (c) At the time a county sheriff enters an order into the Law Enforcement Data System under
14 paragraph (a) of this subsection, the sheriff shall also enter the order into the databases of the Na-
15 tional Crime Information Center of the United States Department of Justice.

16 (4) Pending a contempt hearing for alleged violation of a foreign restraining order, a person
17 arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS
18 135.230 to 135.290. Unless the order provides otherwise, the security amount for release is \$5,000.

19 (5) ORS 24.115, 24.125, 24.129, 24.135, 24.140, 24.150 and 24.155 do not apply to a foreign re-
20 straining order.

21 (6) A person protected by a foreign restraining order may file a certified copy of the order and
22 proof of service in the office of the clerk of any circuit court of any county of this state. A judgment
23 so filed has the same effect and is subject to the same procedures, defenses and proceedings for re-
24 opening, vacating or staying as a judgment of the circuit court in which the foreign judgment is
25 filed, and may be enforced or satisfied in like manner. The filing fee provided for in ORS 21.325
26 ~~[(3)]~~ **(1)(c)** shall not apply to a filing under this section.

27 **SECTION 36.** ORS 46.488 is amended to read:

28 46.488. (1) A judgment creditor may not create a judgment lien for a judgment entered in the
29 small claims department of a circuit court if the money award is less than \$10, exclusive of costs
30 and disbursements. A judgment creditor may create a judgment lien for a judgment entered in the
31 small claims department of a circuit court in an amount of \$10 or more and less than \$3,000, ex-
32 clusive of costs and disbursements, only as provided in subsection (3) of this section.

33 (2) If a judgment is rendered in the small claims department in an amount of \$3,000 or more, the
34 clerk shall note in the register of the circuit court that the judgment creates a judgment lien if the
35 judgment otherwise complies with the requirements of ORS chapter 18 for creating a judgment lien.
36 A judgment creditor may create a lien for the judgment in other counties in the manner provided
37 by ORS 18.152.

38 (3) When a judgment is entered in the small claims department in an amount of \$10 or more and
39 less than \$3,000, exclusive of costs or disbursements, a judgment creditor may at any time before
40 expiration of judgment remedies for the judgment under ORS 18.180 create a judgment lien for the
41 judgment by paying to the clerk of the court that entered the judgment the fees established by ORS
42 21.325 ~~[(1) and (2)]~~ **(1)(a) and (b)** and requesting that the clerk of the court note in the register and
43 in the judgment lien record that the judgment creates a judgment lien. Upon receipt of the fees and
44 request for creating a judgment lien, the clerk shall note in the register that the judgment creates
45 a judgment lien. Upon entry of the notation in the register, the judgment creates a lien as described

1 in ORS 18.150, and a judgment creditor may create a lien for the judgment in other counties in the
2 manner provided by ORS 18.152.

3 **SECTION 37.** ORS 52.635 is amended to read:

4 52.635. (1) After a judgment that includes a money award is docketed in a justice court, a cer-
5 tified copy of the judgment or a lien record abstract for the judgment may be recorded in the County
6 Clerk Lien Record for the county that contains the justice court that rendered the judgment. The
7 certified copy or lien record abstract may be recorded by the judgment creditor or by the agent of
8 the judgment creditor at any time after the judgment is rendered and before the judgment expires
9 under ORS 18.194 or is fully satisfied. From the time the certified copy of the judgment or the lien
10 record abstract is recorded in the County Clerk Lien Record, the judgment is a lien upon the real
11 property of the defendant in the county.

12 (2) In lieu of recording a certified copy of a judgment or a lien record abstract for a judgment
13 under subsection (1) of this section, a judgment that includes a money award rendered by a justice
14 court in a civil action may be transcribed to the circuit court for the county that contains the jus-
15 tice court that rendered the judgment. The judgment may be transcribed by the filing of a certified
16 transcript of the judgment with the clerk of the circuit court. The transcript must contain a copy
17 of all the docket entries made in the case and the judgment as rendered by the justice court, certi-
18 fied to be a true and correct transcript from the original entries by the justice court. Upon filing
19 of the certified transcript, the clerk shall enter the transcribed judgment in the register of the cir-
20 cuit court and in the judgment lien record. The clerk shall note in the register that the transcribed
21 judgment creates a judgment lien. A judgment in a criminal action may not be transcribed to circuit
22 court under the provisions of this subsection.

23 (3) A certified copy of a judgment docketed in a justice court, or a lien record abstract for the
24 judgment, may be recorded in any County Clerk Lien Record. The judgment or lien record abstract
25 may be recorded in a county other than the county that contains the justice court that rendered the
26 judgment without transcribing the justice court judgment to the circuit court for the county that
27 contains the justice court that rendered the judgment, or recording a certified copy of the judgment
28 or a lien record abstract for the judgment in the County Clerk Lien Record for the county that
29 contains the justice court. If the judgment has been transcribed to circuit court, or a certified copy
30 of the judgment or a lien record abstract for the judgment has been recorded in any County Clerk
31 Lien Record, a lien record abstract for the judgment in the form provided by ORS 18.170 may be
32 recorded in the County Clerk Lien Record for any other county. From the time the certified copy
33 of the judgment or lien record abstract for the judgment is recorded in the County Clerk Lien Re-
34 cord of another county, the judgment is a lien upon the real property of the defendant in that
35 county.

36 (4) A certified copy of a certificate of extension filed under ORS 18.194, or a lien record abstract
37 for the certificate of extension, may be transcribed to circuit court or recorded in a County Clerk
38 Lien Record in the same manner as provided for judgments under this section and with like effect.

39 (5) The transcribing of a justice court judgment to circuit court under this section, or the re-
40 cording of a certified copy of a justice court judgment or a lien record abstract under this section,
41 does not extend the lien of the judgment more than 10 years from the original entry of the judgment
42 in the justice court.

43 (6) The fee for filing a transcript with the clerk of the circuit court under subsection (2) of this
44 section shall be as provided in ORS 21.325 [(2)] (1)(b). The fee for recording a certified copy of a
45 justice court judgment or a lien record abstract under this section shall be as provided in ORS

1 205.320.

2 (7) A justice court and circuit court may enter into an agreement to allow for electronic tran-
3 scription of justice court judgments under this section. A justice court and county clerk may enter
4 into an agreement to allow for electronic recording of judgments and lien record abstracts under
5 this section.

6
7 **JUSTICE OF THE PEACE CONTINUING EDUCATION**

8
9 **SECTION 38.** ORS 51.245 is amended to read:

10 51.245. (1) Each justice of the peace who is not a member of the Oregon State Bar shall attend
11 or participate in a minimum of 30 hours of educational programs every two calendar years. The
12 programs shall be those conducted and supervised or approved by the [*Chief Justice of the Supreme*
13 *Court or designee*] **Oregon State Bar.**

14 (2) Each justice of the peace who is not a member of the Oregon State Bar shall submit a
15 written annual report of the hours of educational programs referred to in subsection (1) of this
16 section that are attended or participated in by the justice during each calendar year to the Oregon
17 Justices of the Peace Association and shall submit a copy of that report to the governing body of
18 the county in which the justice has been elected or appointed. The report and copy shall be sub-
19 mitted not later than March 1 of the year following the calendar year for which the report is ap-
20 plicable.

21
22 **GRAND JURY INSPECTION OF CORRECTIONAL FACILITIES**

23
24 **SECTION 39. ORS 132.440 is repealed.**

25
26 **CONSOLIDATION OF PROBATION VIOLATION PROCEEDINGS**

27
28 **SECTION 40.** ORS 137.547 is amended to read:

29 137.547. [(1)] Notwithstanding any other provision of law, the Chief Justice of the Supreme Court
30 may make rules or issue orders under ORS 1.002 to establish procedures for the consolidation of
31 probation violation proceedings pending against a probationer in multiple circuit courts.

32 [(2) *Rules made or orders issued under this section.*]

33 [(a) *Shall provide that if a probationer is alleged to have violated the conditions of a sentence of*
34 *probation in more than one court, an initiating court may consider consolidation of some or all pending*
35 *probation violation proceedings before one or more appropriate courts.*]

36 [(A) *Upon the motion of the district attorney or the defense counsel in the county in which the*
37 *probationer is in custody or otherwise before the court; or]*

38 [(B) *Upon the court's own motion.*]

39 [(b) *May determine which courts are appropriate courts for the consolidation of probation violation*
40 *proceedings in described circumstances or establish a process for determining an appropriate court.*]

41 [(c) *Shall require the consent of the probationer to a consolidated probation violation proceeding*
42 *and written waivers by the probationer as determined necessary or fair.*]

43 [(d) *Shall require the approval of the judge of any responding court, the initiating court and any*
44 *appropriate court being considered for a consolidated probation violation proceeding.*]

45 [(e) *Shall require the approval of the district attorney of the county for any responding court, the*

1 *initiating court and any court being considered as an appropriate court.]*

2 *[(f) May provide for the recall of warrants in any court other than the appropriate court as con-*
3 *venient to accomplish the purposes of this section.]*

4 *[(g) May provide for the transmission of copies of such papers, records or other information to or*
5 *from courts, district attorneys and parole and probation officers as is necessary, appropriate or con-*
6 *venient for a consolidated probation violation proceeding under this section.]*

7 *[(h) May provide any processes necessary, appropriate or convenient for the proceeding before the*
8 *appropriate court and for the appropriate court to make a disposition of the cases that are consolidated*
9 *in a proceeding under this section.]*

10 *[(i) May include any rules or orders establishing other procedures necessary, appropriate or con-*
11 *venient for the fair and expeditious resolution of consolidated probation violation proceedings under*
12 *this section.]*

13 *[(3) When an appropriate court transmits the judgment it enters for a consolidated probation vio-*
14 *lation proceeding under this section to the initiating court, if different from the appropriate court, and*
15 *to a responding court for filing, thereafter that judgment is for all purposes the same as a judgment*
16 *of the court of the initiating or responding county with regard to the matters on which that judgment*
17 *makes determination and disposition.]*

18 *[(4) As used in this section:]*

19 *[(a) "Appropriate court" means the court most appropriate to hold a consolidated probation vio-*
20 *lation proceeding under this section given the totality of the circumstances involving the alleged pro-*
21 *bation violations and multiple jurisdiction proceedings. The circumstances include, but are not limited*
22 *to:]*

23 *[(A) The location, residence or work location of the probationer;]*

24 *[(B) The location of the probationer's parole and probation officer;]*

25 *[(C) The location of any witnesses or victims of the alleged violations or of any alleged new offenses*
26 *with which the probationer is charged;]*

27 *[(D) The location of any victims of the offense for which the probationer was sentenced to pro-*
28 *bation;]*

29 *[(E) The nature and location of previous offenses for which the probationer is serving a sentence;]*

30 *[(F) The nature of any new offenses with which the probationer is charged;]*

31 *[(G) The resources of local jails;]*

32 *[(H) The nature and location of any services that may be appropriate as a consequence of the al-*
33 *leged violation or new charges;]*

34 *[(I) Whether the judge who imposed the original sentence provided in the original judgment direc-*
35 *tion to return any probation violation proceedings to that judge; and]*

36 *[(J) The interests of local courts and district attorneys concerning the probationer and any dispo-*
37 *sition that a court may impose concerning the probationer.]*

38 *[(b) "Initiating court" means the court in which a probationer is in custody or otherwise before the*
39 *court.]*

40 *[(c) "Responding court" means a court other than an initiating court or appropriate court that en-*
41 *tered a judgment under which the probationer is currently serving a sentence of probation and which*
42 *court consents to the consolidation of probation violation proceedings in an appropriate court under*
43 *this section.]*

44 **SECTION 41.** ORS 10.075 is amended to read:

45 10.075. (1) The per diem fees, mileage and expenses due to each juror in the circuit court shall

1 be paid by the state from funds available for the purpose. Payment shall be made upon a certified
2 statement, prepared by the clerk of court, showing the number of days each juror has served and
3 the amount due each juror for mileage and other expenses.

4 (2) If a jury in the circuit court is provided food, drink, lodging or transportation by order of
5 the circuit court, the cost thereof shall be paid by the state from funds available for the purpose.

6 (3) Each circuit court shall offer each juror the opportunity to waive receipt of the per diem
7 and mileage expenses otherwise payable to the juror for the purpose of funding Judicial Department
8 programs and activities identified by the Chief Justice of the Supreme Court. All amounts waived
9 by a juror under the provisions of this subsection are continuously appropriated to the Judicial
10 Department programs and activities that are identified by the Chief Justice for receipt of the waived
11 amounts, and may be used only for the purposes of those programs and activities.

12 (4) This section does not apply to mileage and other expenses of jurors reimbursed by a county
13 as provided in ORS 10.061 [(4)] (3).

14
15 **CAPTIONS**

16
17 **SECTION 42. The unit captions used in this 2009 Act are provided only for the conven-**
18 **ience of the reader and do not become part of the statutory law of this state or express any**
19 **legislative intent in the enactment of this 2009 Act.**

20
21 **EMERGENCY CLAUSE**

22
23 **SECTION 43. This 2009 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
25 **on its passage.**

26
