

Senate Bill 627

Sponsored by COMMITTEE ON JUDICIARY

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**.

Allows Chief Justice of Supreme Court to designate senior justices of the peace. Prescribes qualifications, powers and compensation of senior justices of the peace.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to justice courts; creating new provisions; amending ORS 51.300; and declaring an emer-
3 gency.

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

5 **SECTION 1. (1)(a) A justice of the peace who retires from a justice court, except a judge**
6 **retired under the provisions of ORS 1.310, may be designated a senior justice of the peace**
7 **of the State of Oregon by the Chief Justice of the Supreme Court.**

8 **(b) To qualify as a senior justice of the peace, a person must be a resident of this state,**
9 **must be retired from a justice court of this state and must notify the Chief Justice of the**
10 **person's availability to serve as a senior justice of the peace within six months after the**
11 **person retires from the office of justice of the peace.**

12 **(2)(a) Upon designating a senior justice of the peace of the State of Oregon under this**
13 **section, the Chief Justice shall notify the Secretary of State. Before entering upon the duties**
14 **of a senior justice of the peace, the designated person must take and subscribe, and submit**
15 **to the Secretary of State, an oath. When the designated person files the oath, the Secretary**
16 **of State shall certify the person as a senior justice of the peace. The oath must be in the**
17 **following form:**

18 _____
19
20 **I, _____, do solemnly swear (or affirm) that I will support the Constitution**
21 **of the United States, and the Constitution of the State of Oregon, and that I will faithfully**
22 **and impartially discharge the duties of a senior justice of the peace of the State of Oregon**
23 **to the best of my ability.**
24 _____

25
26 **(b) A person designated a senior justice of the peace is eligible to serve as a senior justice**
27 **of the peace until death of the person or until disability renders the person unable to perform**
28 **the duties of office.**

29 **(c) At any time after a person is designated a senior justice of the peace, the person may**
30 **notify the Chief Justice that the person is no longer willing or able to serve as a senior jus-**
31 **tice of the peace.**

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 (3) A county governing body may apply to the Supreme Court for the assignment of a
2 senior justice of the peace to duties at any justice court within the county to serve during
3 the absence, incapacity or disqualification of a justice of the peace or during a vacancy in
4 the office of justice of the peace. The application must specify the county and justice court
5 within the county for which the service is requested and whether the service is requested
6 for a specified period of time or for an indefinite period of time. The application must certify
7 that the county will timely pay to the senior justice of the peace the daily compensation and
8 reimbursement for actual and necessary travel and other expenses as provided in subsections
9 (6) to (8) of this section.

10 (4) If the county governing body applies to the Chief Justice for the assignment of a
11 senior justice of the peace to a justice court within the county under subsection (3) of this
12 section, the Chief Justice may temporarily assign to that justice court any senior justice of
13 the peace who is willing to serve. The Chief Justice must make the assignment by an order
14 that specifies the duration of the assignment. The Chief Justice shall send a copy of the or-
15 der to the senior justice of the peace, to the justice court to which the senior justice of the
16 peace is assigned and to the county governing body requesting the assignment. An assign-
17 ment under this subsection may not be for a period of more than one year.

18 (5) A senior justice of the peace who is assigned to a justice court under subsection (4)
19 of this section has all the judicial powers and duties of a regularly elected and qualified jus-
20 tice of the peace of the justice court to which the senior justice of the peace is assigned
21 during the period of the assignment. The powers, jurisdiction and judicial authority of the
22 senior justice of the peace with respect to any case or matter tried or heard by the senior
23 justice of the peace while serving under the assignment continue after the expiration of the
24 assignment as far as may be necessary to:

25 (a) Decide and dispose of any case or matter on trial or held under advisement.

26 (b) Hear and decide any motion for a new trial or for a judgment notwithstanding a ver-
27 dict, or objections to any cost bill, that may be filed in the case.

28 (c) Settle a transcript for appeal and grant extensions of time for that purpose.

29 (6) A senior justice of the peace assigned to a justice court under subsection (4) of this
30 section shall receive as compensation for each day the senior justice of the peace is actually
31 engaged in service under the assignment an amount equal to five percent of the gross
32 monthly salary of a regularly elected and qualified judge of the court to which the senior
33 justice of the peace is assigned, or five percent of the gross monthly salary of a regularly
34 elected and qualified justice of the peace of the justice court from which the senior justice
35 of the peace retired, whichever is greater. The senior justice of the peace shall receive one-
36 half of the daily compensation for service of one-half day or less.

37 (7) Daily compensation of a senior justice of the peace under subsection (6) of this section
38 shall be paid by the county in which the service is performed. The senior justice of the peace
39 must provide the county with a certificate showing the number of days and partial days of
40 service performed by the senior justice of the peace. Notwithstanding any other provision
41 of law, service by a senior justice of the peace under an assignment and receipt of compen-
42 sation for that service does not reduce or otherwise affect the amount of any pension or
43 retirement allowance to which the senior justice of the peace would otherwise be entitled.

44 (8) In addition to the daily compensation provided for in subsection (6) of this section, a
45 senior justice of the peace assigned to a justice court located outside the county in which the

1 senior justice of the peace regularly resides, or assigned to a justice court more than 20
 2 miles distant from the place where the senior justice of the peace regularly resides, shall
 3 receive reimbursement for actual and necessary travel and other expenses incurred in the
 4 performance of official duties under the assignment. The senior justice of the peace must
 5 provide the county with an itemized statement of the expenses that the senior justice of the
 6 peace certifies to be correct.

7 (9) A senior justice of the peace who is not an active member of the Oregon State Bar
 8 shall attend or participate in a minimum of 15 hours of educational programs each year. The
 9 educational programs must be conducted by the Judicial Department, or approved by the
 10 Chief Justice. The senior justice of the peace shall submit to the Chief Justice a written re-
 11 port of the hours of educational programs attended or participated in for each calendar year,
 12 The report must be submitted by March 1 of the year following the year for which the report
 13 is applicable.

14 **SECTION 2.** Notwithstanding section 1 (1)(b) of this 2009 Act, a person who is a resident
 15 of this state and who is retired from a justice court of this state on the effective date of this
 16 2009 Act may notify the Chief Justice of the Supreme Court of the person’s availability to
 17 serve as a senior justice of the peace and the Chief Justice may designate the person as a
 18 senior justice of the peace of the State of Oregon as provided in section 1 (1)(a) of this 2009
 19 Act.

20 **SECTION 3.** ORS 51.300 is amended to read:

21 51.300. A judge of the circuit court for a county, [*or any*] a justice of the peace for a justice
 22 court district located within the county, **or a senior justice of the peace of the State of Oregon**
 23 may exercise the powers and duties of justice of the peace of any justice court in the county:

24 (1) At the request of the justice of the peace of the justice court;

25 (2) In the event of a vacancy in the office of the justice of the peace, until the vacancy is filled
 26 as provided by law; or

27 (3) In the event of the absence, incapacity or disqualification of the justice of the peace, during
 28 the period of such absence, incapacity or disqualification.

29 **SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public
 30 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
 31 on its passage.