

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 7 - 1 - 2
Yeas: Garrett, Olson, Schaufler, Tomei, Whisnant, Barker, Krieger
Nays: Wand
Exc.: Hicks, Nolan
Prepared By: Aaron Knott, Counsel
Meeting Dates: 3/31, 4/11

WHAT THE MEASURE DOES: Permits a district attorney to take control of the investigation and prosecution of any misdemeanor committed in the county served by that district attorney.

ISSUES DISCUSSED:

- Discretionary prosecution by offices of the district attorney relative to municipal court
- Attorney General opinion regarding the current ability of the district attorney to assume control of misdemeanor prosecutions
- Municipal courts in Astoria
- Certification requirements to act as a court of record
- A possible existing loophole allowing a defendant to pursue consecutive jury trials for the same offense at the municipal and circuit courts
- Circuit court docket congestion

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 8.660 gives to the district attorney jurisdiction over all public offenses within the district attorney's county. Many incorporated cities in Oregon have a municipal court, as authorized by charter and state law. Municipal courts have concurrent jurisdiction with circuit and justice courts over all violations and misdemeanors committed or triable in the city in which the court is located. They do not have jurisdiction over felonies. Municipal courts primarily hear traffic violations and crimes; violations of municipal codes and ordinances, including animal, high grass and trash nuisances; vehicle impoundments and forfeitures; and parking and pedestrian violations. They also hear certain minor tobacco, liquor and drug violations. Municipal courts may be a court of record, although most are not, due to the additional cost of a court reporter or audio equipment. Municipal court procedures are controlled to a large extent by state law.

House Bill 3025 would clarify that ORS 8.660 provides to the district attorney the ability to take control of the investigation and prosecution of any misdemeanor committed in the county served by the district attorney and may elect to remove misdemeanors from the purview of municipal and other courts with concurrent jurisdiction.