

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass  
**Vote:** 10 - 0 - 0  
**Yeas:** Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger  
**Nays:** 0  
**Exc.:** 0  
**Prepared By:** Aaron Knott, Counsel  
**Meeting Dates:** 4/4, 4/14

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**WHAT THE MEASURE DOES:** Permits the Court of Appeals to take an appeal from a municipal court or justice court that is a court of record.

**ISSUES DISCUSSED:**

- *State v. Machuca* and the need to respond to appellate decisions in municipal courts
- Impossibility of interlocutory appeal out of municipal courts under current law
- Requirements to become a court of record under ORS 51.025 and ORS 221.342

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** ORS 138.060 allows the Court of Appeals to take an appeal only from circuit courts. House Bill 3068 expands the ability of the Court of Appeals to consider appeals from municipal or justice courts, provided that these are courts of record. 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.