

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass
Vote:	10 - 0 - 0
Yeas:	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	5/3, 5/17

WHAT THE MEASURE DOES: Allows date of filing of notice appeal by an incarcerated person to be the date of delivery from incarcerated person to person or place designated by facility for handling outgoing mail.

ISSUES DISCUSSED:

- Codification of previous “institutional mailbox” rule
- Consistency with federal rule

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under current law there are two ways a filing date may be determined for a notice of appeal: The date received if sent via first class mail or the date of mailing if sent via certified mail (ORS 19.260). Senate Bill 400 reinstates a third way to determine a filing date, specifically for incarcerated persons, known as the “institutional mailbox” rule. The rule was previously in effect but trumped by a statute that inadvertently omitted consideration of filings by incarcerated persons.