

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 5 - 0 - 0

Yeas: Bonamici, Dingfelder, Kruse, Whitsett, Prozanski

Nays: 0

Exc.: 0

Prepared By: Cheyenne Ross, Counsel

Meeting Dates: 2/10, 2/17

WHAT THE MEASURE DOES: Creates an additional method to determine the date a notice of appeal is filed, specific to incarcerated persons. Allows date of filing to be date of delivery from the incarcerated person to the person or place designated by the facility for handling outgoing mail.

ISSUES DISCUSSED:

- Known as “institutional mailbox rule” previously in effect by 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 would permit a third way to determine a filing date for incarcerated persons.