

# House Bill 2691

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Judiciary Department)

## 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**.

Repeals provision requiring that court be held in Pendleton, Hermiston, Milton-Freewater and Heppner in sixth judicial district.

Authorizes presiding judge for judicial district with more than one place where court regularly sits to consolidate court administrative functions for specified purposes, subject to approval of Chief Justice.

Streamlines consolidation of probation violation proceedings.

Allows Chief Justice to designate any circuit court judge to serve as acting presiding judge.

Allows Chief Justice to establish reasonable subscription fees, and other user and transaction fees, for remote access to case information, and other Judicial Department forms, reports and services, that are available in electronic form.

Allows Chief Justice to establish consolidated judicial administrative districts composed of two or more judicial districts.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to courts; creating new provisions; amending ORS 1.002, 1.003, 1.005, 1.171, 1.180, 1.182, 1.810, 1.830, 1.851, 3.012, 3.070, 3.220, 3.225, 3.275, 3.300, 3.305, 3.311, 3.315, 3.321, 3.405, 3.408, 3.412, 3.414, 3.417, 3.420, 3.428, 3.434, 7.120, 8.185, 8.195, 8.225, 8.420, 8.445, 8.455, 9.576, 10.010, 10.105, 10.205, 10.215, 10.225, 10.235, 10.245, 14.250, 14.260, 21.112, 36.405, 100.610, 107.095, 107.425, 107.434, 107.520, 107.530, 107.755, 132.320, 135.055, 135.235, 137.547, 138.590, 166.370, 166.373, 221.315, 403.160, 417.830, 417.833, 420.017, 423.150, 423.560 and 430.475; repealing ORS 3.016; and declaring an emergency.

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

## SIXTH JUDICIAL DISTRICT

**SECTION 1. ORS 3.016 is repealed.**

## CONSOLIDATED COURT ADMINISTRATION

**SECTION 2. Subject to approval by the Chief Justice of the Supreme Court, the presiding judge for a judicial district that contains more than one county, or that has more than one place within a county where the court regularly sits, may consolidate court administrative functions in one place for the purposes of:**

**(1) Filing, copying and inspecting documents;**

**(2) Receiving fees and other funds; and**

**(3) Conducting trials and other proceedings, other than criminal trials in which the defendant has not waived the venue specified by section 11, Article I of the Oregon Constitu-**

**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 **tion.**

2  
3 **CONSOLIDATION OF PROBATION VIOLATION PROCEEDINGS**

4  
5 **SECTION 3.** ORS 137.547 is amended to read:

6 137.547. [(1)] Notwithstanding any other provision of law, the Chief Justice of the Supreme Court  
7 may make rules or issue orders under ORS 1.002 to establish procedures for the consolidation of  
8 probation violation proceedings pending against a probationer in multiple circuit courts.

9 [(2) *Rules made or orders issued under this section:*]

10 [(a) *Shall provide that if a probationer is alleged to have violated the conditions of a sentence of*  
11 *probation in more than one court, an initiating court may consider consolidation of some or all pending*  
12 *probation violation proceedings before one or more appropriate courts:*]

13 [(A) *Upon the motion of the district attorney or the defense counsel in the county in which the*  
14 *probationer is in custody or otherwise before the court; or]*

15 [(B) *Upon the court's own motion.*]

16 [(b) *May determine which courts are appropriate courts for the consolidation of probation violation*  
17 *proceedings in described circumstances or establish a process for determining an appropriate court.*]

18 [(c) *Shall require the consent of the probationer to a consolidated probation violation proceeding*  
19 *and written waivers by the probationer as determined necessary or fair.*]

20 [(d) *Shall require the approval of the judge of any responding court, the initiating court and any*  
21 *appropriate court being considered for a consolidated probation violation proceeding.*]

22 [(e) *Shall require the approval of the district attorney of the county for any responding court, the*  
23 *initiating court and any court being considered as an appropriate court.*]

24 [(f) *May provide for the recall of warrants in any court other than the appropriate court as con-*  
25 *venient to accomplish the purposes of this section.*]

26 [(g) *May provide for the transmission of copies of such papers, records or other information to or*  
27 *from courts, district attorneys and parole and probation officers as is necessary, appropriate or con-*  
28 *venient for a consolidated probation violation proceeding under this section.*]

29 [(h) *May provide any processes necessary, appropriate or convenient for the proceeding before the*  
30 *appropriate court and for the appropriate court to make a disposition of the cases that are consolidated*  
31 *in a proceeding under this section.*]

32 [(i) *May include any rules or orders establishing other procedures necessary, appropriate or con-*  
33 *venient for the fair and expeditious resolution of consolidated probation violation proceedings under*  
34 *this section.*]

35 [(3) *When an appropriate court transmits the judgment it enters for a consolidated probation vio-*  
36 *lation proceeding under this section to the initiating court, if different from the appropriate court, and*  
37 *to a responding court for filing, thereafter that judgment is for all purposes the same as a judgment*  
38 *of the court of the initiating or responding county with regard to the matters on which that judgment*  
39 *makes determination and disposition.*]

40 [(4) *As used in this section:*]

41 [(a) *"Appropriate court" means the court most appropriate to hold a consolidated probation vio-*  
42 *lation proceeding under this section given the totality of the circumstances involving the alleged pro-*  
43 *batation violations and multiple jurisdiction proceedings. The circumstances include, but are not limited*  
44 *to:*]

45 [(A) *The location, residence or work location of the probationer;*]



1 judge to each judge of the court concerned not later than 10 days before the effective date of the  
 2 appointment. A majority of the judges of the courts concerned may disapprove the appointment by  
 3 a written resolution signed by each judge disapproving the appointment and submitted to the Chief  
 4 Justice before the effective date of the appointment. If the appointment is so disapproved, the Chief  
 5 Justice shall appoint another judge as Chief Judge or presiding judge, and shall notify each judge  
 6 of the courts concerned as provided in this subsection. If the courts concerned have five or more  
 7 judges, a second appointment is subject to disapproval, as provided in this subsection, by a majority  
 8 of the judges of the courts concerned. A third appointment is not subject to disapproval under this  
 9 subsection.

10  
 11 **PRIMA FACIE CASES IN DIVORCE CASES**

12  
 13 **SECTION 5.** ORS 107.095 is amended to read:

14 107.095. (1) After the commencement of a suit for marital annulment, dissolution or separation  
 15 and until a general judgment therein, the court may provide as follows:

16 (a) That a party pay to the clerk of the court such amount of money as may be necessary to  
 17 enable the other party to prosecute or defend the suit, including costs of expert witnesses, and also  
 18 such amount of money to the Department of Justice, court clerk or court administrator, whichever  
 19 is appropriate, as may be necessary to support and maintain the other party.

20 (b) For the care, custody, support and maintenance, by one party or jointly, of the minor chil-  
 21 dren as described in ORS 107.105 (1)(a) and for the parenting time rights as described in ORS 107.105  
 22 (1)(b) of the parent not having custody of such children.

23 (c) For the restraint of a party from molesting or interfering in any manner with the other party  
 24 or the minor children.

25 (d) That if minor children reside in the family home and the court considers it necessary for  
 26 their best interest to do so, the court may require either party to move out of the home for such  
 27 period of time and under such conditions as the court may determine, whether the home is rented,  
 28 owned or being purchased by one party or both parties.

29 (e) Restraining and enjoining either party or both from encumbering or disposing of any of the  
 30 real or personal property of either or both of the parties, except as ordered by the court.

31 (f) For the temporary use, possession and control of the real or personal property of the parties  
 32 or either of them and the payment of installment liens and encumbrances thereon.

33 (g) That even if no minor children reside in the family home, the court may require one party  
 34 to move out of the home for such period of time and under such conditions as the court determines,  
 35 whether the home is rented, owned or being purchased by one party or both parties if that party  
 36 assaults or threatens to assault the other.

37 (2) A limited judgment under ORS chapter 18 may be entered in an action for dissolution or  
 38 annulment of a marriage providing for a support award, as defined by ORS 18.005, or other money  
 39 award, as defined by ORS 18.005. Notwithstanding ORS 19.255, a limited judgment entered under this  
 40 subsection may not be appealed. Any decision of the court in a limited judgment subject to this  
 41 subsection may be appealed as otherwise provided by law upon entry of a general judgment.

42 (3) The court shall not require an undertaking in case of the issuance of an order under sub-  
 43 section (1)(c), (d), (e), (f) or (g) of this section.

44 (4) In a suit for annulment or dissolution of marriage or for separation, wherein the parties are  
 45 copetitioners or the respondent is found by the court to be in default or the respondent having ap-

1 peared has waived further appearance or the parties stipulate to the entry of a judgment, the court  
 2 may, when the cause is otherwise ready for hearing on the merits, in lieu of such hearing, enter a  
 3 judgment of annulment or dissolution or for separation based upon a current affidavit of the  
 4 petitioner or copetitioners, setting forth a prima facie case, and covering such additional matters  
 5 as the court may require. If *[child support or]* custody of minor children is involved, *[then]* the affi-  
 6 davit **must** also *[shall]* include[:]

7 *[(a) The gross monthly income of each party, to the best of the affiant's knowledge; and]*

8 *[(b) the name of the party with whom the children currently reside and the length of time they*  
 9 *have so resided.*

10 (5) When a court orders relief under subsection (1)(c) or (d) of this section, the court may in-  
 11 clude in its order an expiration date for the order to allow entry of the order into the Law  
 12 Enforcement Data System and the databases of the National Crime Information Center of the United  
 13 States Department of Justice as provided in ORS 107.720. If the person being restrained was pro-  
 14 vided notice and an opportunity to be heard, the court shall also include in the order, when appro-  
 15 priate, terms and findings sufficient under 18 U.S.C. 922 (d)(8) or (g)(8) to affect the person's ability  
 16 to possess firearms and ammunition or engage in activities involving firearms.

17  
 18 **SHORTHAND REPORTERS**

19  
 20 **SECTION 6.** ORS 8.420 is amended to read:

21 8.420. (1) The State Court Administrator shall verify the qualifications of shorthand reporters  
 22 to be certified and shall issue the certificate of shorthand reporter to qualified applicants.

23 (2) The administrator shall adopt policies necessary to administer ORS 8.415 to 8.455 and may  
 24 appoint any committees necessary to function in accordance with ORS 8.415 to 8.455.

25 (3) The administrator shall:

26 (a) Adopt policies establishing the qualifications necessary for the issuance of a certificate of  
 27 certified shorthand reporter;

28 (b) Determine the qualifications of persons applying for certificates under ORS 8.415 to 8.455;

29 (c) Adopt policies for the examination of applicants and the issuing of certificates under ORS  
 30 8.415 to 8.455;

31 (d) Grant certificates to qualified applicants upon compliance with ORS 8.415 to 8.455 and poli-  
 32 cies of the administrator;

33 (e) Establish continuing education requirements for *[biennial]* renewal of certificates;

34 (f) Collect fees as set by the administrator;

35 (g) Require the *[biennial]* **regular** renewal of all certificates;

36 (h) Establish a code of conduct and grounds for disciplinary action; and

37 (i) Investigate complaints regarding court reporters.

38 (4) The Certified Shorthand Reporters Advisory Committee shall recommend:

39 (a) Standards establishing the qualifications necessary for the issuance of a certificate of certi-  
 40 fied shorthand reporter;

41 (b) Qualifications required of persons applying for certificates under ORS 8.415 to 8.455;

42 (c) Procedures for the examination of applicants and the issuing of certificates under ORS 8.415  
 43 to 8.455;

44 (d) Certificates be granted by the administrator to qualified applicants upon compliance with  
 45 ORS 8.415 to 8.455 and policies of the administrator;

1 (e) Continuing education requirements for [*biennial*] renewal of certificates;

2 (f) A code of conduct and grounds for suspension or revocation of certificates or other discipli-  
3 nary action to the administrator;

4 (g) Investigation of complaints regarding court reporters at the direction of the administrator;  
5 and

6 (h) Any corrective action that may be required.

7 **SECTION 7.** ORS 8.445 is amended to read:

8 8.445. [(1) *The State Court Administrator shall establish a fee schedule for fees authorized by ORS*  
9 *8.415 to 8.455, as follows:*]

10 [(a) *Not to exceed \$100 for initial registration.*]

11 [(b) *Not to exceed \$100 for biennial renewal.*]

12 [(c) *Not to exceed \$100 for the examination.*]

13 **(1) The State Court Administrator shall establish and collect reasonable fees for appli-**  
14 **cations, examinations, certifications and renewals of certification authorized by ORS 8.415**  
15 **to 8.455.**

16 (2) Fees **collected under this section** are nonrefundable.

17 (3) [*Subject to a report to the Emergency Board prior to adopting the fees and charges,*] The fees  
18 and charges established under this section [*shall*] **may** not exceed the cost of administering and  
19 enforcing ORS 8.415 to 8.455[, *consistent with the budget authorized by the Legislative Assembly, as*  
20 *that budget may be modified by the Emergency Board*].

21 **SECTION 8.** ORS 8.455 is amended to read:

22 8.455. (1) There is created a Certified Shorthand Reporters Advisory Committee consisting of  
23 seven members appointed by the State Court Administrator as follows:

24 (a) Four members of the advisory committee shall be persons skilled in the practice of shorthand  
25 reporting and shall have been engaged continuously in the practice of shorthand reporting for a  
26 period of not less than five years prior to the date of appointment as a member of the advisory  
27 committee. Appointees shall be certified under ORS 8.415 to 8.455. [*Of the shorthand reporter mem-*  
28 *bers, two shall be official reporters and two shall be free-lance reporters;*]

29 (b) Two members of the advisory committee shall be members of the Oregon State Bar.[: *and*]

30 (c) One member of the advisory committee shall be a public member and not be a reporter or  
31 a member of the Oregon State Bar or related thereto. The public member is entitled to compensation  
32 and expenses as provided in ORS 292.495.

33 (2) The term of a member of the advisory committee shall be three years. A member is eligible  
34 for reappointment to the advisory committee. Vacancies occurring shall be filled by appointment for  
35 the unexpired term.

36 (3) The advisory committee shall organize by the election of one of its members as president and  
37 one as secretary.

38 (4) A majority of the advisory committee shall constitute a quorum for all purposes.

39  
40 **FEES FOR REPLACEMENT OF**  
41 **OREGON JUDICIAL INFORMATION NETWORK**

42  
43 **SECTION 9.** ORS 1.002 is amended to read:

44 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-  
45 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court

1 and the administrative head of the judicial department of government in this state. The Chief Justice  
 2 shall exercise administrative authority and supervision over the courts of this state consistent with  
 3 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate  
 4 exercise of that administrative authority and supervision, may:

5 (a) Make rules and issue orders appropriate to that exercise.

6 (b) Require appropriate reports from the judges, other officers and employees of the courts of  
 7 this state and municipal courts.

8 (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or  
 9 reassign on a temporary basis all judges of the courts of this state to serve in designated locations  
 10 within or without the county or judicial district for which the judge was elected.

11 (d) Set staffing levels for all courts of the state operating under the Judicial Department and for  
 12 all operations in the Judicial Department.

13 (e) Establish time standards for disposition of cases.

14 (f) Establish budgets for the Judicial Department and all courts operating under the Judicial  
 15 Department.

16 (g) Assign or reassign all court staff of courts operating under the Judicial Department.

17 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish  
 18 personnel rules and policies for judges of courts operating under the Judicial Department.

19 (i) Establish procedures for closing courts in emergencies.

20 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS  
 21 174.120 and other rules and laws that refer to periods of time when courts are closed.

22 (k) Take any other action appropriate to the exercise of the powers specified in this section and  
 23 other law, and appropriate to the exercise of administrative authority and supervision by the Chief  
 24 Justice over the courts of this state.

25 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-  
 26 cluding but not limited to rules relating to:

27 (a) Applications based on the use of the Internet and other similar technologies;

28 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu  
 29 of the original paper copy, for a document, process or paper that is served, delivered, received, filed,  
 30 entered or retained in any action or proceeding;

31 (c) The use of electronic signatures or another form of identification for any document, process  
 32 or paper that is served, delivered, received, filed, entered or retained in any action or proceeding  
 33 and that is required by any law or rule to be signed;

34 (d) The use of electronic transmission for the service of documents in a proceeding, other than  
 35 service of a summons or service of an initial complaint or petition;

36 (e) Payment of statutory or court-ordered monetary obligations through electronic media;

37 (f) Electronic storage of court documents;

38 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,  
 39 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333  
 40 or 810.425;

41 (h) Public access through electronic means to court documents that are required or authorized  
 42 to be made available to the public by law; and

43 (i) Transmission of open court proceedings through electronic media.

44 (3) The Chief Justice may make rules relating to the data that state courts may require parties  
 45 and other persons to submit for the purpose of distinguishing particular persons from other persons.

1 If the rules require the submission of data that state or federal law does not require that the courts  
 2 make public, the rules may also require courts to keep the data confidential and not release the data  
 3 except pursuant to a court order issued for good cause shown. Data that is made confidential under  
 4 the rules is not subject to disclosure under ORS 192.410 to 192.505.

5 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent  
 6 with the laws governing courts and court procedures, but any person who serves, delivers, receives,  
 7 files, enters or retains an electronic document, or an electronic image of a paper document in lieu  
 8 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection  
 9 (2) of this section shall be considered to have complied with any rule or law governing service, de-  
 10 livery, reception, filing, entry or retention of a paper document.

11 (5) Rules made and orders issued by the Chief Justice under this section shall permit as much  
 12 variation and flexibility in the administration of the courts of this state as are appropriate to the  
 13 most efficient manner of administering each court, considering the particular needs and circum-  
 14 stances of the court, and consistent with the sound and efficient administration of the judicial de-  
 15 partment of government in this state.

16 [(6) *The Chief Justice may establish fees for the use of the Oregon Judicial Information*  
 17 *Network.*]

18 **(6) The Chief Justice may establish reasonable subscription fees, and other user and**  
 19 **transaction fees, for remote access to case information, and other Judicial Department**  
 20 **forms, reports and services, that are available in electronic form.**

21 (7) The judges, other officers and employees of the courts of this state shall comply with rules  
 22 made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge  
 23 thereof, relating to the conduct of the business of the court shall be consistent with applicable rules  
 24 made and orders issued by the Chief Justice.

25 (8) The Chief Judge of the Court of Appeals and the presiding judge of each judicial district of  
 26 this state are the administrative heads of their respective courts. They are responsible and ac-  
 27 countable to the Chief Justice of the Supreme Court in the exercise of their administrative authority  
 28 and supervision over their respective courts. Other judges of the Court of Appeals or court under  
 29 a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and to the  
 30 Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of admin-  
 31 istrative authority and supervision.

32 (9) The Chief Justice may delegate the exercise of any of the powers specified by this section  
 33 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers  
 34 specified by this section to the State Court Administrator, as may be appropriate.

35 (10) This section applies to justices of the peace and the justice courts of this state solely for  
 36 the purpose of disciplining of justices of the peace and for the purpose of continuing legal education  
 37 of justices of the peace.

38  
 39 **JUDICIAL CONFERENCE**  
 40 **OF THE STATE OF OREGON**

41  
 42 **SECTION 10.** ORS 1.810 is amended to read:

43 1.810. There hereby is created and established a Judicial Conference of the State of Oregon. The  
 44 conference shall consist of all the judges of the Supreme Court, the Court of Appeals, the Oregon  
 45 Tax Court and the circuit courts and all senior judges certified under ORS 1.300. The Chief Justice



1 shall be chairperson of the conference and shall have power to invite any persons not members of  
 2 the conference to attend the meetings of the conference and consult with it in the performance of  
 3 its duties. The State Court Administrator shall act as executive secretary of the conference. *[Each*  
 4 *member of the conference, the State Court Administrator, and each person invited by the Chief Justice,*  
 5 *is entitled to reimbursement for hotel bills and traveling expenses necessarily incurred in the perform-*  
 6 *ance of duties relating to the Judicial Conference of the State of Oregon.]*

7 **SECTION 11.** ORS 1.830 is amended to read:

8 1.830. The **Judicial Conference of the State of Oregon** shall meet *[at such time as shall be*  
 9 *designated by its chairperson, not less than once]* annually **or at such other times as the Chief**  
 10 **Justice of the Supreme Court directs.**

11  
 12 **CONSOLIDATED JUDICIAL ADMINISTRATIVE DISTRICTS**

13  
 14 **SECTION 12.** ORS 3.012 is amended to read:

15 3.012. (1) The judicial districts, the counties constituting the judicial districts and the number  
 16 of circuit court judges for each judicial district are as follows:

17 (a) The first judicial district consists of Jackson County and has nine judges.

18 (b) The second judicial district consists of Lane County and has 15 judges.

19 (c) The third judicial district consists of Marion County and has 14 judges.

20 (d) The fourth judicial district consists of Multnomah County and has 38 judges.

21 (e) The fifth judicial district consists of Clackamas County and has 11 judges.

22 (f) The sixth judicial district consists of the counties of Morrow and Umatilla and has five  
 23 judges.

24 (g) The seventh judicial district consists of the counties of Gilliam, Hood River, Sherman, Wasco  
 25 and Wheeler and has four judges.

26 (h) The eighth judicial district consists of Baker County and has one judge.

27 (i) The ninth judicial district consists of Malheur County and has two judges.

28 (j) The tenth judicial district consists of the counties of Union and Wallowa and has two judges.

29 (k) The eleventh judicial district consists of Deschutes County and has seven judges.

30 (L) The twelfth judicial district consists of Polk County and has three judges.

31 (m) The thirteenth judicial district consists of Klamath County and has five judges.

32 (n) The fourteenth judicial district consists of Josephine County and has four judges.

33 (o) The fifteenth judicial district consists of the counties of Coos and Curry and has six judges.

34 (p) The sixteenth judicial district consists of Douglas County and has five judges.

35 (q) The seventeenth judicial district consists of Lincoln County and has three judges.

36 (r) The eighteenth judicial district consists of Clatsop County and has three judges.

37 (s) The nineteenth judicial district consists of Columbia County and has three judges.

38 (t) The twentieth judicial district consists of Washington County and has 14 judges.

39 (u) The twenty-first judicial district consists of Benton County and has three judges.

40 (v) The twenty-second judicial district consists of the counties of Crook and Jefferson and has  
 41 three judges.

42 (w) The twenty-third judicial district consists of Linn County and has five judges.

43 (x) The twenty-fourth judicial district consists of the counties of Grant and Harney and has one  
 44 judge.

45 (y) The twenty-fifth judicial district consists of Yamhill County and has four judges.

1 (z) The twenty-sixth judicial district consists of Lake County and has one judge.

2 (aa) The twenty-seventh judicial district consists of Tillamook County and has two judges.

3 (2) The Secretary of State shall designate position numbers equal to the number of judges in  
4 each of the judicial districts established by this section. The positions shall reflect any qualifications  
5 established by ORS 3.041.

6 **(3) The Chief Justice of the Supreme Court may establish consolidated judicial adminis-**  
7 **trative districts composed of two or more judicial districts established under this section for**  
8 **the purpose of providing prompt, consistent and orderly dispatch of the judicial system's**  
9 **functions.**

10 **SECTION 13.** ORS 1.002, as amended by section 9 of this 2011 Act, is amended to read:

11 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-  
12 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court  
13 and the administrative head of the judicial department of government in this state. The Chief Justice  
14 shall exercise administrative authority and supervision over the courts of this state consistent with  
15 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate  
16 exercise of that administrative authority and supervision, may:

17 (a) Make rules and issue orders appropriate to that exercise.

18 (b) Require appropriate reports from the judges, other officers and employees of the courts of  
19 this state and municipal courts.

20 (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or  
21 reassign on a temporary basis all judges of the courts of this state to serve in designated locations  
22 within or without the [*county or*] judicial district for which the judge was elected.

23 (d) Set staffing levels for all courts of the state operating under the Judicial Department and for  
24 all operations in the Judicial Department.

25 (e) Establish time standards for disposition of cases.

26 (f) Establish budgets for the Judicial Department and all courts operating under the Judicial  
27 Department.

28 (g) Assign or reassign all court staff of courts operating under the Judicial Department.

29 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish  
30 personnel rules and policies for judges of courts operating under the Judicial Department.

31 (i) Establish procedures for closing courts in emergencies.

32 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS  
33 174.120 and other rules and laws that refer to periods of time when courts are closed.

34 (k) Take any other action appropriate to the exercise of the powers specified in this section and  
35 other law, and appropriate to the exercise of administrative authority and supervision by the Chief  
36 Justice over the courts of this state.

37 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-  
38 cluding but not limited to rules relating to:

39 (a) Applications based on the use of the Internet and other similar technologies;

40 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu  
41 of the original paper copy, for a document, process or paper that is served, delivered, received, filed,  
42 entered or retained in any action or proceeding;

43 (c) The use of electronic signatures or another form of identification for any document, process  
44 or paper that is served, delivered, received, filed, entered or retained in any action or proceeding  
45 and that is required by any law or rule to be signed;

1 (d) The use of electronic transmission for the service of documents in a proceeding, other than  
 2 service of a summons or service of an initial complaint or petition;

3 (e) Payment of statutory or court-ordered monetary obligations through electronic media;

4 (f) Electronic storage of court documents;

5 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,  
 6 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333  
 7 or 810.425;

8 (h) Public access through electronic means to court documents that are required or authorized  
 9 to be made available to the public by law; and

10 (i) Transmission of open court proceedings through electronic media.

11 (3) The Chief Justice may make rules relating to the data that state courts may require parties  
 12 and other persons to submit for the purpose of distinguishing particular persons from other persons.  
 13 If the rules require the submission of data that state or federal law does not require that the courts  
 14 make public, the rules may also require courts to keep the data confidential and not release the data  
 15 except pursuant to a court order issued for good cause shown. Data that is made confidential under  
 16 the rules is not subject to disclosure under ORS 192.410 to 192.505.

17 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent  
 18 with the laws governing courts and court procedures, but any person who serves, delivers, receives,  
 19 files, enters or retains an electronic document, or an electronic image of a paper document in lieu  
 20 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection  
 21 (2) of this section shall be considered to have complied with any rule or law governing service, de-  
 22 livery, reception, filing, entry or retention of a paper document.

23 (5) Rules made and orders issued by the Chief Justice under this section shall permit as much  
 24 variation and flexibility in the administration of the courts of this state as are appropriate to the  
 25 most efficient manner of administering each court, considering the particular needs and circum-  
 26 stances of the court, and consistent with the sound and efficient administration of the judicial de-  
 27 partment of government in this state.

28 (6) The Chief Justice may establish reasonable subscription fees, and other user and transaction  
 29 fees, for remote access to case information, and other Judicial Department forms, reports and ser-  
 30 vices, that are available in electronic form.

31 (7) The judges, other officers and employees of the courts of this state shall comply with rules  
 32 made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge  
 33 thereof, relating to the conduct of the business of the court shall be consistent with applicable rules  
 34 made and orders issued by the Chief Justice.

35 (8) The Chief Judge of the Court of Appeals and the presiding judge *[of]* **for** each judicial district  
 36 *[of this state]* **or consolidated judicial administrative district established under ORS 3.012** are  
 37 the administrative heads of their respective courts. They are responsible and accountable to the  
 38 Chief Justice of the Supreme Court in the exercise of their administrative authority and supervision  
 39 over their respective courts. Other judges of the Court of Appeals or court under a presiding judge  
 40 are responsible and accountable to the Chief Judge or presiding judge, and to the Chief Justice, in  
 41 respect to exercise by the Chief Justice, Chief Judge or presiding judge of administrative authority  
 42 and supervision.

43 (9) The Chief Justice may delegate the exercise of any of the powers specified by this section  
 44 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers  
 45 specified by this section to the State Court Administrator, as may be appropriate.

1 (10) This section applies to justices of the peace and the justice courts of this state solely for  
 2 the purpose of disciplining of justices of the peace and for the purpose of continuing legal education  
 3 of justices of the peace.

4 **SECTION 14.** ORS 1.003, as amended by section 4 of this 2011 Act, is amended to read:

5 1.003. (1) The Chief Justice of the Supreme Court shall appoint [*after conferring with and seeking*  
 6 *the advice of the Supreme Court, and may remove at pleasure:*]

7 [(a)] the Chief Judge of the Court of Appeals.

8 [(b) *The presiding judge for each judicial district.*]

9 **(2) The Chief Justice of the Supreme Court shall appoint a presiding judge for each con-**  
 10 **solidated judicial administrative district established under ORS 3.012 (3). The Chief Justice**  
 11 **shall appoint a presiding judge for each judicial district established under ORS 3.012 (1) that**  
 12 **is not part of a consolidated judicial administrative district. The Chief Justice may make**  
 13 **appointments under this subsection only after conferring with, and seeking the advice of, the**  
 14 **other judges of the Supreme Court. Presiding judges appointed under this subsection serve**  
 15 **at the pleasure of the Chief Justice.**

16 [(2)] (3) Except as provided in subsection [(3)] (4) of this section, the term of office of the Chief  
 17 Judge or presiding judge is two years, commencing on January 1 of each even-numbered year. A  
 18 judge is eligible for reappointment as Chief Judge or presiding judge.

19 [(3)] (4) If there is a vacancy for any cause in the office of Chief Judge or presiding judge:

20 (a) When the vacancy occurs after January 1 of an even-numbered year and before July 1 of the  
 21 following odd-numbered year, the Chief Justice shall make an appointment for a term expiring De-  
 22 cember 31 of that odd-numbered year.

23 (b) When the vacancy occurs after June 30 of an odd-numbered year and before January 1 of the  
 24 following even-numbered year, the Chief Justice shall make an appointment for a term expiring De-  
 25 cember 31 of the odd-numbered year following that even-numbered year.

26 (c) The Chief Justice may designate a judge of the Court of Appeals to serve as acting Chief  
 27 Judge until an appointment is made as provided in this section. The Chief Justice may designate any  
 28 circuit court judge to serve as acting presiding judge **for a judicial district or consolidated judi-**  
 29 **cial administrative district** until an appointment is made as provided in this section.

30 [(4)] (5) Before appointing a Chief Judge or presiding judge, the Chief Justice shall confer with  
 31 and seek the advice of the judges of the **relevant** courts [*concerned in respect to the appointment*].

32 [(5)] (6) The Chief Justice shall give written notice of the judge appointed as Chief Judge or  
 33 presiding judge to each judge of the **relevant** court [*concerned*] **or courts** not later than 10 days  
 34 before the effective date of the appointment. A majority of the judges of the **relevant** courts [*con-*  
 35 *cerned*] may disapprove the appointment by a written resolution signed by each judge disapproving  
 36 the appointment and submitted to the Chief Justice before the effective date of the appointment. If  
 37 the appointment is so disapproved, the Chief Justice shall appoint another judge as Chief Judge or  
 38 presiding judge, and shall notify each judge of the **relevant** courts [*concerned*] as provided in this  
 39 subsection. If [*the*] **those** courts [*concerned*] have five or more judges, a second appointment is sub-  
 40 ject to disapproval, as provided in this subsection, by a majority of the judges of the courts [*con-*  
 41 *cerned*]. A third appointment is not subject to disapproval under this subsection.

42 **SECTION 15.** ORS 1.005 is amended to read:

43 1.005. The Chief Justice of the Supreme Court or the presiding judge [*of*] **for** any judicial district  
 44 [*of this state*] **or consolidated judicial administrative district established under ORS 3.012** may  
 45 establish by rule a program to permit the use of credit card transactions as security deposits, fines,

1 assessments, restitution or any other court-imposed monetary obligation arising out of an offense.  
 2 The program may also provide for the use of credit card transactions to pay for filing fees, response  
 3 fees, certification fees and any other fees charged by the court. Any rules adopted pursuant to this  
 4 section may provide for recovery from the person using the credit card of an additional amount  
 5 reasonably calculated to recover any charge to the court by a credit card company resulting from  
 6 use of the credit card.

7 **SECTION 16.** ORS 1.171 is amended to read:

8 1.171. (1) A presiding judge appointed under ORS 1.003 is presiding judge for [*the circuit court*  
 9 *of*] a judicial district **or consolidated judicial administrative district** established under ORS 3.012.

10 (2) The presiding judge, to facilitate exercise of administrative authority and supervision over  
 11 the circuit court **or courts** of the district and consistent with applicable provisions of law and the  
 12 Oregon Rules of Civil Procedure, may:

13 (a) Apportion and otherwise regulate the disposition of the judicial business of the [*circuit*] court  
 14 **or courts** of the [*judicial*] district; and

15 (b) Make rules, issue orders and take other action appropriate to that exercise.

16 (3) The presiding judge may assign actions and proceedings pending before a court to other  
 17 judges of the judicial district **or consolidated judicial administrative district** for hearing and  
 18 disposition. A judge who is assigned an action or proceeding under this subsection shall hear and  
 19 dispose of the assigned action or proceeding unless the presiding judge withdraws the assignment  
 20 for good cause shown.

21 (4) The presiding judge may delegate the exercise of any of the administrative powers of the  
 22 presiding judge to another judge of the **relevant court or courts** or to the trial court administrator  
 23 for the [*judicial*] district.

24 **SECTION 17.** ORS 1.180 is amended to read:

25 1.180. (1) As used in this section, “court facility” means a state court or justice court other than  
 26 the Supreme Court, Court of Appeals, Oregon Tax Court or office of the State Court Administrator.

27 (2) The presiding judge for a judicial district **or consolidated judicial administrative district**  
 28 may appoint an Advisory Committee on Court Security and Emergency Preparedness for the  
 29 [*judicial*] district. A committee appointed under this section shall consist of:

30 (a) The sheriff of each county in which a court facility is located;

31 (b) The district attorney of each county in which a court facility is located;

32 (c) A member of the local governing body of each county in which a court facility is located,  
 33 or the member’s representative;

34 (d) The president of the county bar association, if any, for each county in which a court facility  
 35 is located, or the president’s representative;

36 (e) A justice of the peace from each county in the district in which a justice court is located;  
 37 and

38 (f) The following persons as designated by the presiding judge:

39 (A) The trial court administrator for each county in which a court facility is located; and

40 (B) A judge from each county in which a court facility is located.

41 (3) A committee appointed under this section shall meet at the call of the presiding judge  
 42 [*that*] **who** appointed the committee.

43 (4) A committee appointed under this section shall submit to the presiding judge [*of the judicial*  
 44 *district*] a plan for court security improvement, emergency preparedness and business continuity for  
 45 each building containing a court facility in the county. The plan shall include capital outlay needs

1 and may include recommendations concerning:

2 (a) Security procedures for the transportation and supervision of prisoners for court appearances  
 3 including, as otherwise allowed by law, the use of video transmission equipment for the appearance  
 4 of defendants who are in custody;

5 (b) Procedures for the secure handling, transportation and disposal of hazardous substances and  
 6 contraband in court proceedings;

7 (c) Emergency alarm systems accessible to all court employees;

8 (d) Physical security for judges, justices of the peace, staff and the public;

9 (e) Procedures for emergency evacuation of buildings containing court facilities;

10 (f) Procedures for identifying court security personnel, including a court security officer to be  
 11 appointed by the presiding judge, who shall be responsible for:

12 (A) The management of the plan;

13 (B) A regular security inspection of each building containing a court facility; and

14 (C) Regular security training of sheriff department, judicial department and district attorney  
 15 personnel; and

16 (g) Priorities for available court facilities within the building based on the level of security  
 17 needed.

18 (5) The plan may also include:

19 (a) An evaluation of how each of the items listed in subsection (4) of this section is being ad-  
 20 dressed and should be addressed;

21 (b) How practices, facilities and equipment falling below appropriate levels are to be improved;

22 (c) The anticipated cost of improving practices, facilities and equipment that fall below appro-  
 23 priate levels;

24 (d) The funding source for each improvement; and

25 (e) The time schedule for implementation of improvements.

26 (6) Adoption of a plan under this section is subject to the approval of the presiding judge  
 27 *[that]* **who** appointed the committee. The plan may conclude that court facility security is adequate.

28 (7) Implementation of the elements of a plan that have a significant fiscal impact are subject to  
 29 availability of funding.

30 (8) As soon as a plan, revision or amendment is adopted, the presiding judge shall provide the  
 31 Chief Justice of the Supreme Court with a copy of the plan adopted under this section and any re-  
 32 visions or amendments to the plan. Each plan shall be reviewed and revised or amended as needed,  
 33 not later than June 30 of each odd-numbered year.

34 (9) Except as provided in this subsection, plans prepared under this section are confidential and  
 35 need not be disclosed under the provisions of ORS 192.410 to 192.505. The presiding judge *[of a ju-*  
 36 *dicial district]*, with the concurrence of all sheriffs for the counties *[of the]* **within the judicial dis-**  
 37 **trict or consolidated judicial administrative** district, may authorize the disclosure of all or part  
 38 of a plan prepared under this section if the judge determines that the interest of the public would  
 39 be served by the disclosure and that the disclosure will not impair the integrity of the plan. Records  
 40 of expenditures for a court security plan and records of equipment purchased under the plan are  
 41 not confidential under the provisions of this subsection, and are subject to disclosure as public re-  
 42 cords under the provisions of ORS 192.410 to 192.505.

43 **SECTION 18.** ORS 1.182 is amended to read:

44 1.182. (1) The county treasurer shall deposit moneys received under ORS 137.308 (2) into a court  
 45 facilities security account maintained by the county treasurer. The following apply to the account:

1 (a) The moneys in the account and interest upon the account are reserved for the purpose of  
 2 providing security in buildings that contain state court or justice court facilities other than the  
 3 Supreme Court, Court of Appeals, Oregon Tax Court or office of the State Court Administrator lo-  
 4 cated within the county.

5 (b) Expenditures by the county governing body from the court facilities security account shall  
 6 be made only for developing or implementing a plan for court security improvement, emergency  
 7 preparedness and business continuity under ORS 1.180.

8 (c) Moneys deposited in the account under ORS 137.308 (2) and expended under the provisions  
 9 of this section shall be in addition to any other moneys expended by the county on court facilities  
 10 security programs and personnel. A county shall not reduce other expenditures on court facilities  
 11 security programs and personnel by reason of the additional moneys provided under ORS 137.308 (2).

12 (d) The county treasurer may charge against the court facilities security account an adminis-  
 13 trative fee for the actual costs associated with maintaining the account. The total administrative  
 14 fees charged each year may not exceed five percent of the moneys received under ORS 137.308 (2)  
 15 for that year.

16 (e) The county treasurer shall provide to the county governing body, the Advisory Committee  
 17 on Court Security and Emergency Preparedness and the presiding judge [of] **for** the judicial district  
 18 **or consolidated judicial administrative district** at least quarterly a financial report showing all  
 19 revenues, deposits and expenditures from the court facilities security account maintained by the  
 20 county treasurer. The county treasurer may charge against the court facilities security account the  
 21 actual costs associated with providing financial reports under this paragraph.

22 (f) The presiding judge [of] **for** the judicial district **or consolidated judicial administrative**  
 23 **district** shall provide to the Chief Justice of the Supreme Court a financial report showing all re-  
 24 venues, deposits and expenditures from the court facilities security account for each fiscal year. The  
 25 report shall be submitted to the Chief Justice not later than August 30 of each year.

26 (2) Except as otherwise provided in subsection (3) of this section, a county may not reduce its  
 27 actual operating expenditures on court facilities security programs and personnel, including funds  
 28 from all local sources, exclusive of state and federal funds and other short term special funding,  
 29 below the level of such expenditures in the preceding fiscal year beginning with the 1992-1993 fiscal  
 30 year.

31 (3) A county may reduce the operating expenditures described in subsection (2) of this section  
 32 if the reduction is in an amount no greater than the average reduction in general fund commitment  
 33 to all county agencies during the fiscal period.

34 **SECTION 19.** ORS 1.851 is amended to read:

35 1.851. (1) The presiding judge [of] **for** each judicial district **or consolidated judicial adminis-**  
 36 **trative district** shall establish a local criminal justice advisory council, unless one already exists,  
 37 in each county [*in the judicial*] **within the** district. Membership of the council shall include, but is  
 38 not limited to, representatives of the following:

- 39 (a) The presiding judge;
- 40 (b) The district attorney;
- 41 (c) The local correctional administrator;
- 42 (d) Public defense service providers;
- 43 (e) The county bar association;
- 44 (f) Local law enforcement; and
- 45 (g) State law enforcement.

1 (2) In addition to the persons listed in subsection (1) of this section, the judge may invite the  
 2 participation of any other persons involved in the criminal justice system whose participation would  
 3 be of benefit.

4 (3) The local criminal justice advisory council shall meet regularly to consider and address  
 5 methods of coordinating court, public defense and related services and resources in the most effi-  
 6 cient and cost-effective manner that complies with the constitutional and statutory mandates and  
 7 responsibilities of all participants.

8 (4) To assist the council in these efforts, council participants shall provide the council with  
 9 proposed budget information and caseload and workload projections.

10 **SECTION 20.** ORS 3.070 is amended to read:

11 3.070. Any judge of a circuit court [*in any judicial district*] may, in chambers, grant and sign  
 12 defaults, judgments, interlocutory orders and provisional remedies, make findings and decide  
 13 motions, demurrers and other like matters relating to any judicial business coming before the judge  
 14 from any judicial district **or consolidated judicial administrative district** in which the judge has  
 15 presided in such matters. The judge may hear, in chambers, contested motions, demurrers and other  
 16 similar matters pending within the judicial district **or consolidated judicial administrative**  
 17 **district**, at any location designated under ORS 1.085. Upon stipulation of counsel, the judge may try  
 18 and determine any issue in equity or in law where a jury has been waived and hear and decide  
 19 motions, demurrers and other like matters, in chambers, at any location in the state where the judge  
 20 may happen to be, relating to any judicial business coming before the judge from any judicial district  
 21 **or consolidated judicial administrative district** in which the judge has presided in such matters.  
 22 The judge may exercise these powers as fully and effectively as though the motions, demurrers,  
 23 matters or issues were granted, ordered, decided, heard and determined in open court in the county  
 24 where [*they*] **the matters** may be pending. If signed other than in open court, all such orders,  
 25 findings and judgments issued, granted or rendered, other than orders not required to be filed and  
 26 entered with the clerk before becoming effective, shall be transmitted by the judge to the clerk of  
 27 the court within the county where the matters are pending. They shall be filed and entered upon  
 28 receipt thereof and shall become effective from the date of entry in the register.

29 **SECTION 21.** ORS 3.220 is amended to read:

30 3.220. (1) A circuit court may make and enforce all rules necessary for the prompt and orderly  
 31 dispatch of the business of the court and not inconsistent with applicable provisions of law, the  
 32 Oregon Rules of Civil Procedure or rules made or orders issued by the Chief Justice of the Supreme  
 33 Court or the presiding judge for the judicial district **or consolidated judicial administrative dis-**  
 34 **trict**. If a majority of the judges of [*the court in a judicial district*] **a circuit court** having two or  
 35 more circuit court judges do not agree in respect to the making of rules under this subsection, the  
 36 decision of the presiding judge shall control.

37 (2)(a) A certified copy of a rule referred to in subsection (1) of this section made or in effect  
 38 before January 1, 1984, shall be filed in the office of the State Court Administrator not later than  
 39 January 1, 1984. If a copy of a rule is not so filed, the rule is void.

40 (b) A certified copy of a rule referred to in subsection (1) of this section made or amended on  
 41 or after January 1, 1984, shall be filed in the office of the State Court Administrator. No rule or  
 42 amendment shall be effective unless so filed, and no rule or amendment so filed shall become effec-  
 43 tive before the 30th day after the date of filing.

44 (c) The State Court Administrator shall maintain the copies of all rules filed pursuant to this  
 45 subsection, and shall keep a record of the date of filing thereof. The administrator shall, upon re-



1 quest, supply copies of the rules, and may charge a reasonable fee for such copies in order to re-  
 2 cover the cost of compilation, copying and distribution of the rules.

3 **SECTION 22.** ORS 3.225 is amended to read:

4 3.225. Subject to the approval of the Chief Justice of the Supreme Court, a circuit court, by rule  
 5 under ORS 3.220, may establish specialized subject-matter departments of the court, and may modify  
 6 or abolish departments so established. Any judge of the court may act in any department so estab-  
 7 lished or modified by rule. The presiding judge for the judicial district **or consolidated judicial**  
 8 **administrative district** may assign any judge of the court to act in any department so established  
 9 or modified by rule.

10 **SECTION 23.** ORS 3.275 is amended to read:

11 3.275. (1) After making a determination that conditions in the judicial district **or consolidated**  
 12 **judicial administrative district** make it desirable to concentrate jurisdiction over all or part of  
 13 family and family-related matters in the circuit court, the [*circuit court by its own order shall*] **pre-**  
 14 **siding judge for the district may elect to** exercise jurisdiction over any or all of the matters de-  
 15 scribed in ORS 3.260 (2) on and after July 1 next following entry of the order.

16 (2) [*Any circuit court that enters an order pursuant to*] **A presiding judge who makes an**  
 17 **election under** this section shall cause copies of the [*order*] **election** to be filed with the Oregon  
 18 Supreme Court and with the county [*or justice court whose jurisdiction is*] affected by the order.

19 **SECTION 24.** ORS 3.300 is amended to read:

20 3.300. (1) Subject to the approval of the Chief Justice of the Supreme Court, the presiding judge  
 21 for a judicial district **or consolidated judicial administrative district** may establish, and may  
 22 terminate, the use of a panel of reference judges for the trial and disposition of civil actions in the  
 23 circuit court under ORS 3.300 to 3.321.

24 (2) The Supreme Court, upon motion of the Chief Justice and the presiding judge may appoint  
 25 any eligible person as a reference judge on the panel established under this section. A person is  
 26 eligible for appointment as a reference judge if the person is a member in good standing of the  
 27 Oregon State Bar. An eligible person need not reside within the judicial district, **or the consol-**  
 28 **idated judicial administrative district**, for which use of the panel is established.

29 (3) A person appointed as a reference judge on a panel may be removed from the panel by the  
 30 Chief Justice or the presiding judge [*for the judicial district*], in the sole discretion of the Chief  
 31 Justice or presiding judge.

32 (4) A person appointed as a reference judge on a panel is subject to the jurisdiction of the  
 33 Commission on Judicial Fitness and Disability and the Supreme Court under ORS 1.420 and 1.430 in  
 34 the same manner as a judge of the circuit court.

35 (5) A person appointed as a reference judge on a panel shall not be considered to be, or to have  
 36 the judicial powers, duties, jurisdiction and authority of, a judge of the circuit court except to the  
 37 extent provided in ORS 3.300 to 3.321.

38 **SECTION 25.** ORS 3.305 is amended to read:

39 3.305. (1) At any time before trial of a civil action in a circuit court for which use of a panel  
 40 of reference judges is established under ORS 3.300, the parties to the action may file with the pre-  
 41 siding judge for the judicial district **or consolidated judicial administrative district** a written re-  
 42 quest for referral of the action to a reference judge on the panel. Upon receipt of the request, the  
 43 presiding judge, by order, shall refer the action to a reference judge.

44 (2) The parties, in their request for referral, may specify a particular reference judge, and the  
 45 presiding judge shall refer the action to the reference judge so specified.

1 (3) If the parties do not specify a particular reference judge, the presiding judge shall select a  
 2 reference judge and notify the parties of the selection. Within 10 days after selection of a reference  
 3 judge by the presiding judge, the parties may file with the presiding judge a written rejection of the  
 4 reference judge so selected and request that the presiding judge make another selection.

5 (4) A reference judge may decline to accept a referral of an action by the presiding judge. If a  
 6 reference judge declines to accept a referral, the parties may file with the presiding judge a written  
 7 specification of, or the presiding judge may select, another reference judge.

8 (5) The request by parties for referral of an action shall include a stipulation by the parties to  
 9 the entry of the judgment arising from the reference as the judgment of the court. If the action is  
 10 triable by right to a jury, the request shall constitute a waiver of the right of trial by jury by any  
 11 party having that right.

12 (6) The presiding judge may revoke a referral of an action when, in the opinion of the presiding  
 13 judge, the trial of the action on reference is being unduly delayed. If the referral is revoked, the  
 14 presiding judge may require the person or persons responsible for the undue delay to bear all or part  
 15 of the expense of the trial incurred before the revocation.

16 **SECTION 26.** ORS 3.311 is amended to read:

17 3.311. (1) Upon entry of an order of the presiding judge for a judicial district **or consolidated**  
 18 **judicial administrative district** referring an action under ORS 3.305, the clerk of the court shall  
 19 cause a copy of the order to be delivered to the reference judge. Upon receipt of the copy of the  
 20 order, the reference judge shall set the action for trial on reference at a time and in a place  
 21 agreeable to the parties.

22 (2) At least five days before the date set for a trial on reference, the reference judge shall notify  
 23 the clerk of the court of the time and place of the trial. The clerk shall post a notice of the time  
 24 and place of the trial in a conspicuous place for trial notices at the principal location for the sitting  
 25 of the court in the county in which the action is commenced.

26 (3) Any person interested in attending a trial on reference is entitled to do so as in a trial of  
 27 a civil action in the court. Upon receipt of written request by any person, the reference judge shall  
 28 give the person written notice of the time and place set for a trial on reference.

29 (4) Except as otherwise provided in ORS 3.300 to 3.321, the reference judge has all the judicial  
 30 powers and duties of a judge of the circuit court to regulate all proceedings in the trial and dispo-  
 31 sition of the action on reference.

32 (5) The reference judge shall provide clerical personnel necessary for the conduct of the pro-  
 33 ceedings in the trial on reference, including a trial court reporter unless waived by the parties. If  
 34 use of a trial court reporter is waived by the parties, the proceedings in the trial shall be reported  
 35 by an audio record reporting device.

36 (6) The trial on reference shall be conducted in the same manner as a trial by the circuit court  
 37 without a jury. The reference judge shall apply the substantive law used in the courts of this state  
 38 in deciding the issues submitted by the parties. Unless waived in whole or part by the parties, the  
 39 reference judge shall apply the rules of pleading, practice, procedure and evidence used in the cir-  
 40 cuit courts of this state.

41 (7) The parties may procure the attendance of witnesses before the reference judge by the is-  
 42 suance and service of subpoenas as provided in ORCP 55. If, without adequate excuse, a witness fails  
 43 to appear or give evidence, that witness may be punished as for a contempt by the reference judge  
 44 and be subjected to the consequences, penalties and remedies provided in ORCP 55 G.

45 (8) Reference judges may conduct proceedings for the imposition of remedial sanctions under

1 ORS 33.055, but may not conduct proceedings for the imposition of punitive sanctions under ORS  
2 33.065.

3 **SECTION 27.** ORS 3.315 is amended to read:

4 3.315. (1) Within 20 days after the close of all evidence offered in a trial on reference conducted  
5 under ORS 3.311, unless a later time is agreed upon by the parties, the reference judge shall mail  
6 to each party a copy of the proposed written report of the reference judge. The proposed report shall  
7 contain the findings of fact and conclusions of law by the reference judge, and the judgment thereon  
8 of the reference judge.

9 (2) Within 10 days after receipt of the copy of the proposed report, any party may serve written  
10 objections and suggested modifications or corrections to the proposed report upon the reference  
11 judge and the other parties. The reference judge without delay shall consider the objections and  
12 suggestions and prepare a final written report. If requested by any party, the reference judge shall  
13 conduct a hearing on the proposed written report and any objections or suggested modifications or  
14 corrections thereto before preparing the final written report.

15 (3) Upon completion of the final written report, the reference judge shall file with the clerk of  
16 the circuit court:

17 (a) Copies of all original papers in the action filed with the reference judge;

18 (b) The exhibits offered and received or rejected in the trial on reference;

19 (c) The transcript of the proceedings in the trial, if a trial court reporter was used in the trial;

20 (d) The audio record of the proceedings in the trial, if a trial court reporter was not used in the  
21 trial; and

22 (e) The final written report containing the findings of fact and conclusions of law by the refer-  
23 ence judge, and the judgment thereon of the reference judge.

24 (4) In the interest of economy, the presiding judge for a judicial district **or consolidated judicial**  
25 **administrative district** may allow the reference judge to file the final written report under sub-  
26 section (3) of this section without any of the items listed in subsection (3)(a) to (d) of this section.  
27 However, the presiding judge shall require the reference judge to file the items listed in subsection  
28 (3)(a) to (d) of this section if timely notice of appeal of the judgment is filed.

29 (5) At the time the reference judge files the final written report under subsection (3) of this  
30 section, the reference judge shall mail to each party a copy of the report.

31 (6) Upon receipt of the final written report by the clerk of the court, the referral of the action  
32 shall terminate and the presiding judge shall order the judgment contained in the report entered as  
33 the judgment of the court in the action. Subsequent motions and other related post-trial proceedings  
34 in the action may be conducted and disposed of by the reference judge upon the order of the pre-  
35 siding judge, in the sole discretion of the presiding judge, or may otherwise be assigned by the  
36 presiding judge.

37 (7) The judgment of the reference judge entered as provided in subsection (6) of this section may  
38 be appealed in the same manner as a judgment of the circuit court in a civil action.

39 **SECTION 28.** ORS 3.321 is amended to read:

40 3.321. (1) Unless otherwise agreed by the parties, the compensation of a reference judge to whom  
41 an action is referred under ORS 3.305 shall be an amount for each day actually engaged in the  
42 performance of duties under the referral and in the conduct and disposition of post-trial proceedings  
43 under ORS 3.315 (6) equal to five percent of the gross monthly salary of a regularly elected and  
44 qualified judge of the circuit court, or one-half of that daily compensation for services of one-half  
45 day or less.

1 (2) Payment of the compensation of a reference judge and the expense of the trial on reference  
 2 before the reference judge shall be the obligation of the parties. The obligation shall be borne  
 3 equally by the parties unless the parties agree to a different allocation.

4 (3) The presiding judge for the judicial district **or consolidated judicial administrative district**  
 5 shall estimate the compensation of the reference judge and the expense of the trial on reference in  
 6 advance of the trial, and shall notify the parties of the estimate. The parties shall deposit with the  
 7 clerk of the court the amount estimated by the presiding judge. The presiding judge may order the  
 8 clerk to pay a portion of the deposited amount to the reference judge during the trial on reference.  
 9 Upon termination of the referral of the action, the reference judge shall cause to be delivered to the  
 10 presiding judge and each party a written statement of any remaining unpaid compensation and ex-  
 11 pense. The presiding judge shall hear and decide any objection to the written statement, and there-  
 12 after shall order payment to the reference judge or refund of any remainder of the deposited amount  
 13 accordingly.

14 **SECTION 29.** ORS 3.405 is amended to read:

15 3.405. (1) A family court department may be established in [*the*] a circuit court [*of a judicial*  
 16 *district*] upon the written application of the presiding judge **for the judicial district or consol-**  
 17 **idated judicial administrative district.** The written application must be made to the Chief Justice  
 18 of the Supreme Court. Upon receipt and approval of a written application, the Chief Justice shall  
 19 designate a date for commencing operation of the family court department [*in the judicial district*].  
 20 The provisions of this section do not affect the ability of a circuit court to establish specialized  
 21 subject-matter departments in the manner provided by ORS 3.225.

22 (2) In every judicial district **or consolidated judicial administrative district** in which a family  
 23 court department is established under this section, the presiding judge [*of the judicial district*] may  
 24 assign one or more judges to serve in the family court department.

25 (3) Judges serving in the family court department have the same jurisdiction, authority, powers,  
 26 functions and duties as any other circuit court judge and shall be elected and qualified in the same  
 27 manner as any other circuit court judge.

28 [(4) For the purposes of this section, "judicial district" means a judicial district enumerated under  
 29 the provisions of ORS 3.012.]

30 **SECTION 30.** ORS 3.408 is amended to read:

31 3.408. (1) The presiding judge [*of*] **for** the judicial district **or consolidated judicial adminis-**  
 32 **trative district** may assign to a family court department established under ORS 3.405 all of the  
 33 following matters:

- 34 (a) Proceedings under the provisions of ORS chapters 107, 108, 109 and 110;
- 35 (b) Proceedings under the provisions of ORS chapter 25;
- 36 (c) Guardianship proceedings for minors under the provisions of ORS chapter 125;
- 37 (d) Juvenile court proceedings under ORS chapters 419A, 419B and 419C;
- 38 (e) Proceedings to commit a person with a mental illness under the provisions of ORS chapter  
 39 426 and ORS 430.397 to 430.401;
- 40 (f) Probate proceedings under ORS chapters 111, 112, 113, 114, 115, 116 and 117; and
- 41 (g) Any other proceeding in which a family is involved.

42 (2) In addition to the matters specified in subsection (1) of this section, the presiding judge [*of*  
 43 *the judicial district*] may assign to a family court department any criminal proceeding that involves  
 44 domestic violence or other crime between family members.

45 **SECTION 31.** ORS 3.412 is amended to read:

1 3.412. If there is more than one judge assigned to a family court department [*for the judicial*  
2 *district*], the presiding judge [*of*] **for** the judicial district **or consolidated judicial administrative**  
3 **district** may designate one of the judges as the chief family court judge.

4 **SECTION 32.** ORS 3.414 is amended to read:

5 3.414. Upon assignment to the family court department of the cases specified in ORS 3.408, the  
6 presiding judge [*of*] **for** the judicial district **or consolidated judicial administrative district** shall  
7 [*insure*] **ensure**, when reasonable and appropriate, that all cases that involve the same minor child  
8 be assigned to the same judge.

9 **SECTION 33.** ORS 3.417 is amended to read:

10 3.417. The presiding judge [*of*] **for** the judicial district **or consolidated judicial administrative**  
11 **district** may establish procedures for coordinating all services that may be available to persons who  
12 are or who may become parties in the proceedings specified in ORS 3.408.

13 **SECTION 34.** ORS 3.420 is amended to read:

14 3.420. At any time after the establishment of a family court department **of a circuit court** under  
15 ORS 3.405, the family court department shall be abolished if the presiding judge [*of*] **for** the judicial  
16 district **or consolidated judicial administrative district** makes written application to the Chief  
17 Justice of the Supreme Court requesting that the family court department for that [*judicial district*]  
18 **circuit court** be abolished.

19 **SECTION 35.** ORS 3.428 is amended to read:

20 3.428. (1) A family law facilitation program may be established by the judges of the family court  
21 department of a circuit court. If there is no family court department for the court, a family law fa-  
22 cilitation program may be established for a circuit court by the presiding judge for the judicial dis-  
23 trict **or consolidated judicial administrative district**. A family law facilitation program shall be  
24 designed to assist litigants in domestic relations or other family court proceedings described in ORS  
25 3.408. The program shall be developed in consultation with the local family law advisory committee  
26 established for the judicial district **or consolidated judicial administrative district** under ORS  
27 3.434. The program shall operate under the supervision of the family court department or, if there  
28 is no family court department, under the supervision of the presiding judge [*for the judicial*  
29 *district*]. Services under the program shall be provided by court personnel in facilities under the  
30 supervision and control of the family court department or, if there is no family court department,  
31 under the supervision and control of the presiding judge [*for the judicial district*]. The program may  
32 provide:

33 (a) Educational materials.

34 (b) Court forms.

35 (c) Assistance in completing forms.

36 (d) Information about court procedures.

37 (e) Referrals to agencies and resources that provide legal and other services to parents or  
38 children.

39 (2) All materials, forms, instructions and referral lists provided through the program must be  
40 approved by the family court department or, if there is no family court department, by the presiding  
41 judge [*for the judicial district*].

42 (3) Except for those fees authorized for forms under ORS 21.361, services provided through the  
43 program shall be provided without charge.

44 (4) An employee or other person providing services to litigants through a family law facilitation  
45 program as provided in this section is not engaged in the practice of law in this state for the pur-

1 poses of ORS 9.160.

2 (5) Except as provided in subsection (6) of this section, an employee or other person who as-  
3 sisted litigants through a family law facilitation program may not, for a period of one year after  
4 leaving the program, charge or collect any fee from a litigant for services relating to a matter that  
5 was the subject of assistance under the program.

6 (6) The prohibition of subsection (5) of this section does not apply to persons admitted to the  
7 practice of law in this state.

8 **SECTION 36.** ORS 3.434 is amended to read:

9 3.434. (1) [*No later than January 1, 1999,*] The presiding judge [*of*] **for** each judicial district **or**  
10 **consolidated judicial administrative district** shall adopt a plan to coordinate the provision of  
11 services to families involved in domestic relations or other family court proceedings.

12 (2) The presiding judge [*of the judicial district*] shall establish a local family law advisory com-  
13 mittee for the judicial district **or consolidated judicial administrative district**. The committee will  
14 prepare the plan required by subsection (1) of this section. The membership of the local advisory  
15 committee must reflect the diversity of the judicial district **or consolidated judicial administrative**  
16 **district** and must include, in addition to the presiding judge or a judge designated by the presiding  
17 judge, the trial court administrator and business, social service, community and government repre-  
18 sentatives who must be knowledgeable in family and family law issues. In judicial districts composed  
19 of more than one county, **or in consolidated judicial administrative districts**, the presiding judge  
20 may establish a local advisory committee in each county or establish one or more committees to  
21 serve multiple counties.

22 (3)(a) At a minimum, the local family law advisory committee shall address the following in the  
23 plan:

24 (A) Mandates for mediation of child custody or parenting time disputes, requiring each party to  
25 attend either a group or private mediation orientation session;

26 (B) Methods of coordinating cases when the same child or family is involved in multiple cases;  
27 and

28 (C) The need for, and provision of, conciliation services, mediation services, child custody eval-  
29 uations, parent education and visitation services.

30 (b) The local advisory committee may include other elements in the plan, including but not  
31 limited to:

32 (A) The need for, and provision of, services relating to prevention and early intervention; and

33 (B) The use of settlement options such as mediation, conciliation, arbitration and settlement  
34 conferences.

35 (c) The local advisory committee shall include in the plan a list of mediators qualified to provide  
36 mediation in cases involving spousal support and division of property issues. Once the list is devel-  
37 oped, the [*judicial*] district shall maintain the list.

38 (4) The local family law advisory committee shall present the plan to the county governing body  
39 of each county within the judicial district **or consolidated judicial administrative district** and to  
40 the presiding judge [*of the judicial district*] for their approval. The local advisory committee shall  
41 send copies of the plan to the Chief Justice of the Supreme Court and those members of the Oregon  
42 House of Representatives and the Oregon Senate who represent the areas within the judicial district  
43 **or consolidated judicial administrative district**.

44 (5) The local family law advisory committee may assist in implementing, monitoring and revising  
45 the plan. The local advisory committee, working in conjunction with legal service providers, may

1 coordinate access to family law resources, including family law facilitation and other services.

2 **SECTION 37.** ORS 7.120 is amended to read:

3 7.120. (1) The presiding judge for a judicial district **or consolidated judicial administrative**  
 4 **district** may authorize destruction of any court record or document at any time after the expiration  
 5 of the minimum retention period established by the State Court Administrator under ORS  
 6 8.125. Records and documents that may be destroyed under this section include registers, dockets,  
 7 indexes, files, citations, notes, audio records, video records, stenographic records, exhibits, jury re-  
 8 cords and fiscal and administrative documents.

9 (2) The presiding judge for a judicial district **or consolidated judicial administrative district**  
 10 may order the return, destruction or other disposition of exhibits offered or received in any case in  
 11 circuit court at any time after the case becomes final and not subject to further appeal. This sub-  
 12 section does not apply to exhibits in a case involving the determination of water rights, which ex-  
 13 hibits shall be permanently retained.

14 **SECTION 38.** ORS 8.185 is amended to read:

15 8.185. Unless otherwise ordered by the Chief Justice of the Supreme Court, there shall be a trial  
 16 court administrator for each judicial district [*described in*] **or consolidated judicial administrative**  
 17 **district established under** ORS 3.012. The Chief Justice may order that one trial court adminis-  
 18 trator serve for two or more adjoining judicial districts **or consolidated judicial administrative**  
 19 **districts.**

20 **SECTION 39.** ORS 8.195 is amended to read:

21 8.195. (1) Subject to applicable provisions of a personnel plan established by the Chief Justice  
 22 of the Supreme Court, a person to serve as trial court administrator for:

23 (a) One judicial district **or consolidated judicial administrative district** shall be appointed by  
 24 the presiding judge for the judicial district **or consolidated judicial administrative district**, with  
 25 the approval of a majority of the circuit court judges in the district.

26 (b) [*The*] **A** circuit court [*in a judicial district*] shall be appointed by the presiding judge [*for the*  
 27 *judicial district*], with the approval of a majority of the circuit court judges **of the circuit court.**

28 (c) Two or more adjoining judicial districts **or consolidated judicial administrative districts**  
 29 shall be appointed by the presiding judges for the [*judicial*] districts, with the approval of a majority  
 30 of the circuit court judges in the districts.

31 (2) A trial court administrator may be removed from the office by the appointing presiding judge  
 32 as provided in a personnel plan established by the Chief Justice of the Supreme Court.

33 **SECTION 40.** ORS 8.225 is amended to read:

34 8.225. (1) The trial court administrator for a judicial district **or consolidated judicial admin-**  
 35 **istrative district** has the duties, powers and functions prescribed by law or by rules of the circuit  
 36 courts in the district.

37 (2) A trial court administrator shall, for each court served by the officer:

38 (a) Keep the seal of the court, and affix it in all cases required by law.

39 (b) Record the proceedings of the court.

40 (c) Maintain the records, files, books and other documents pertaining to the court.

41 (d) File all documents delivered to the trial court administrator in any action or proceeding in  
 42 the court.

43 (e) Attend the terms of the court, administer oaths and receive the verdict of a jury in any  
 44 action or proceeding therein, in the presence and under the direction of the court.

45 (f) Under the direction of the court enter its orders and judgments.

1 (g) Authenticate, by certificate or transcript, as may be required, the records, files or pro-  
 2 ceedings of the court, or any document pertaining thereto, and filed with the officer.

3 (h) In the performance of duties pertaining to the court, conform to the direction of the court.

4 (3) A trial court administrator may take and certify the proof and acknowledgment of a  
 5 conveyance of real property or any other written instrument authorized or required to be proved  
 6 or acknowledged.

7 (4) A trial court administrator may delegate powers of the office of trial court administrator to  
 8 employees of the trial court administrator.

9 (5) A trial court administrator shall designate a person to act as transcript coordinator for the  
 10 court.

11 **SECTION 41.** ORS 9.576 is amended to read:

12 9.576. (1) The director of the Legal Services Program appointed under ORS 9.572 shall period-  
 13 ically review legal service providers who receive funding from fees collected under ORS 21.480. If  
 14 the director determines that there are reasonable grounds to believe that a provider is not in sub-  
 15 stantial compliance with the standards and guidelines adopted under ORS 9.572, the director shall  
 16 negotiate with the provider in an attempt to bring the program into compliance.

17 (2) If the director of the Legal Services Program is unable to negotiate satisfactory compliance  
 18 with the standards and guidelines of the program established by the Oregon State Bar under ORS  
 19 9.572, the director shall give the provider 30 days in which to bring the program into compliance.  
 20 If the director concludes that the program is not in compliance at the end of the 30-day period, the  
 21 matter shall be submitted to mediation. The director and the provider shall jointly select a mediator.  
 22 If the director and provider are unable to select a mediator within 15 days after the expiration of  
 23 the 30-day period, any presiding judge for a judicial district **or consolidated judicial administra-**  
 24 **tive district** may appoint a mediator upon the petition of the director.

25 (3) If mediation under subsection (2) of this section fails to produce a resolution of the matter,  
 26 the director shall give the provider notice that a hearing will be held not sooner than 30 days after  
 27 the date the notice is given. If, after hearing, the director determines that the provider is not in  
 28 compliance with the standards and guidelines of the program and that the provider has failed to  
 29 show satisfactory progress towards achieving compliance, the director shall suspend further funding  
 30 of the program until such time as the provider makes a showing of compliance.

31 **SECTION 42.** ORS 10.010 is amended to read:

32 10.010. As used in this chapter, unless the context requires otherwise:

33 (1) "Clerk of court" means the trial court administrator or any other nonjudicial officer or em-  
 34 ployee of the circuit court for a county authorized by the presiding judge for the judicial district  
 35 **or consolidated judicial administrative district.**

36 (2) "Juror" means any juror or prospective juror.

37 (3) "Jury" means a body of persons temporarily selected from persons who live in a particular  
 38 county, or **judicial** district, and invested with power to present or indict in respect to a crime or  
 39 to try a question of fact.

40 **SECTION 43.** ORS 10.105 is amended to read:

41 10.105. The length of a jury service term in a county shall be established by the presiding judge  
 42 for the judicial district **or consolidated judicial administrative district**, but no trial juror shall  
 43 be required to serve more than 10 days unless necessary to complete the trial of an action. A day  
 44 of service is each day during a jury service term on which a juror is required to attend and attends.

45 **SECTION 44.** ORS 10.205 is amended to read:



1 10.205. (1) ORS 10.205 to 10.265 govern the selection and summoning of persons for service as  
 2 grand jurors or trial jurors in the circuit court in a county.

3 (2) The presiding judge for the judicial district **or consolidated judicial administrative district**  
 4 may authorize the use of juror identification numbers in place of juror names in the performance  
 5 of functions under ORS 10.215 to 10.265, 132.020 and ORCP 57 B for the selection of jurors in the  
 6 county, except for functions under ORS 10.215 (4) and 10.225 (3), when to do so would promote the  
 7 efficiency of the selection process, but the selection must be done randomly.

8 **SECTION 45.** ORS 10.215 is amended to read:

9 10.215. (1) The State Court Administrator shall cause to be prepared at least once each year a  
 10 master jury list containing names selected at random from the source lists. The source lists are the  
 11 most recent list of electors of the county, the records furnished by the Department of Transportation  
 12 as provided in ORS 802.260 (2) and any other sources approved by the Chief Justice of the Supreme  
 13 Court that will furnish a fair cross section of the **United States** citizens **who are residents** of the  
 14 county. The State Court Administrator and circuit courts may use source lists obtained from any  
 15 person or public body, and jury lists containing names selected from a source list, only for purposes  
 16 consistent with administering the selection and summoning of persons for service as jurors, the  
 17 drawing of names of jurors, and other tasks necessary to accomplish those functions. Source lists  
 18 may not contain and the State Court Administrator is not required to obtain information about in-  
 19 dividuals who are participants in the Address Confidentiality Program under ORS 192.820 to 192.868.  
 20 Except as specifically provided by law, the State Court Administrator and circuit courts may not  
 21 disclose source lists obtained from any person or public body, and jury lists containing names se-  
 22 lected from a source list, to any other person or public body.

23 (2) A public body having custody, possession or control of any list that may be used as a source  
 24 list for preparation of a master jury list, upon written request by the State Court Administrator,  
 25 shall make its list available at any reasonable time and, except as otherwise provided in ORS  
 26 802.260, without charge to the State Court Administrator for inspection or copying. The public  
 27 body, upon written request by the State Court Administrator, shall provide a copy of its list for the  
 28 date and in the form requested to the State Court Administrator. Except as otherwise provided in  
 29 ORS 802.260, the copy shall be provided without charge.

30 (3) The number of names placed on a master jury list shall be sufficient to meet the projected  
 31 need for grand jurors and trial jurors in the circuit court in the county, but the total number may  
 32 not be less than two percent of the population of the county according to the latest federal  
 33 decennial census.

34 (4) A master jury list shall contain the first name, the surname, the place of residence and, if  
 35 assigned, the juror identification number of each person whose name is placed thereon.

36 (5) A master jury list shall be certified by the trial court administrator and placed on file in the  
 37 circuit court as soon as possible after it is prepared.

38 (6) A newly filed master jury list shall be maintained separately from the previously filed master  
 39 jury list. The presiding judge **for a judicial district or consolidated judicial administrative dis-**  
 40 **trict** shall designate when a newly filed master jury list becomes effective, after which time names  
 41 of persons may not be selected from the previously filed master jury list for a term jury list. When  
 42 a newly filed master jury list becomes effective, all orders, records and papers prepared in con-  
 43 nection with the selection process based on the previously filed master jury list shall be preserved  
 44 by the trial court administrator and State Court Administrator for the period prescribed by the State  
 45 Court Administrator under ORS 8.125.

1 (7) The State Court Administrator may make adjustments to the master jury list, and may au-  
 2 thorize the presiding judge [*of a judicial district*] to make adjustments to a term jury list, for the  
 3 purpose of updating the addresses of persons appearing on the lists and removing the names of  
 4 persons who are deceased, permanently ineligible for jury service or permanently excused from jury  
 5 service. The State Court Administrator shall ensure that a record is maintained of all adjustments  
 6 to jury lists made under this subsection.

7 (8) For the purposes of this section, “public body” has the meaning given that term in ORS  
 8 174.109.

9 **SECTION 46.** ORS 10.225 is amended to read:

10 10.225. (1) Not less than 10 days before the commencement of a jury service term in a county,  
 11 a term jury list containing names selected at random from the master jury list shall be prepared at  
 12 the direction of the presiding judge for the judicial district or **consolidated judicial administrative**  
 13 **district or at the direction of the** clerk of court.

14 (2) The number of names placed on a term jury list shall be determined by the presiding judge  
 15 or clerk of court according to the projected need for grand jurors and trial jurors in the circuit  
 16 court in the county for the term.

17 (3) A term jury list shall contain the first name, the surname, the place of residence and, if as-  
 18 signed, the juror identification number of each person whose name is placed thereon.

19 (4) A term jury list shall be certified by the clerk of court and placed on file in the circuit court  
 20 as soon as possible after it is prepared.

21 (5) Not less than 10 days before the commencement of a jury service term, the clerk of court  
 22 shall summon the persons whose names are placed on the term jury list by giving written notice to  
 23 each of them by mail.

24 **SECTION 47.** ORS 10.235 is amended to read:

25 10.235. (1) When an additional number of jurors is needed for a jury service term in a county  
 26 because the term jury list for the term becomes exhausted, or in the opinion of the presiding judge  
 27 for the judicial district **or consolidated judicial administrative district** is likely to become ex-  
 28 hausted, before the end of the term, additional jurors may be selected and summoned as provided in  
 29 this section.

30 (2) The presiding judge [*for the judicial district*] may order an additional number of names se-  
 31 lected from the master jury list and added to the term jury list in the same manner as the original  
 32 term jury list is prepared. As directed by the presiding judge [*of the circuit court*], the persons whose  
 33 names are added to the term jury list shall be summoned by the clerk of court giving written notice  
 34 to each of them by mail or by the sheriff or other officer giving written notice to each of them  
 35 personally or by leaving written notice at the person’s place of residence with some person of suit-  
 36 able age and discretion. The notice need be given only a reasonable time before the day on which  
 37 the persons summoned are required to attend.

38 (3) If the master jury list becomes exhausted or in the opinion of the presiding judge is likely  
 39 to become exhausted, the presiding judge may order that the clerk of court select an additional  
 40 number of names from the source lists described in ORS 10.215 (1) and that the persons whose names  
 41 are so selected be summoned as provided in subsection (2) of this section.

42 (4) If there is an immediate need for additional jurors, a judge of the circuit court for the county  
 43 may direct the clerk of court, sheriff or other officer to summon a sufficient number of eligible  
 44 persons to meet that need. Those persons shall be summoned as directed by the judge.

45 **SECTION 48.** ORS 10.245 is amended to read:

1 10.245. (1) Before or at the time a person summoned to serve as a juror reports for jury service  
 2 in a county, a judge of the circuit court for the county or clerk of court shall question the person  
 3 as to the eligibility of the person to act as a juror under ORS 10.030. If a judge or clerk of court  
 4 determines that a person so questioned is not eligible to act as a juror, the person shall be dis-  
 5 charged.

6 (2) The presiding judge for the judicial district **or consolidated judicial administrative district**  
 7 may cause to be mailed or delivered with a juror’s summons a juror eligibility form and instructions  
 8 for completion of the form and return of the completed form by mail or personal delivery to the  
 9 clerk of court by a specified date. The form shall set forth the eligibility requirements prescribed in  
 10 ORS 10.030.

11 (3) A person who knowingly makes a false statement of material fact in response to a question  
 12 on a juror eligibility form may be punished for contempt.

13 (4) A completed juror eligibility form shall contain the summoned person’s signed declaration  
 14 that the responses to questions on the form are true to the best of the person’s knowledge and an  
 15 acknowledgment that a knowingly made false statement of material fact may be punished by a fine  
 16 or imprisonment or both. Notarization of a completed form shall not be required.

17 (5) If a person summoned is unable to complete a juror eligibility form, another person may do  
 18 it for the person summoned. Another person completing a form shall indicate on the form that the  
 19 person did so and the reason therefor.

20 (6) If a person summoned fails to return a properly completed juror eligibility form as instructed,  
 21 a judge of the circuit court may direct the person to appear forthwith and properly complete a form.  
 22 If the person fails to appear as directed, a judge of the circuit court shall order the person to appear  
 23 and show cause for that failure. If the person fails to appear pursuant to the order or appears and  
 24 fails to show good cause, the person may be punished for contempt.

25 (7) Before or at the time a person summoned reports for jury service, a judge of the circuit court  
 26 or clerk of court may question the person as to responses to questions on a completed jury eligibility  
 27 form returned by the person and grounds for any ineligibility of the person to act as a juror. Any  
 28 pertinent information so acquired shall be noted on the form.

29 (8) Review by a judge of the circuit court or clerk of court of a completed juror eligibility form  
 30 returned by a person summoned satisfies the requirement prescribed in subsection (1) of this section  
 31 that a person summoned be questioned. If a judge or clerk of court determines that a person is not  
 32 eligible to act as a juror based on a completed form, the person shall be discharged.

33 **SECTION 49.** ORS 14.250 is amended to read:

34 14.250. No judge of a circuit court shall sit to hear or try any suit, action, matter or proceeding  
 35 when it is established, as provided in ORS 14.250 to 14.270, that any party or attorney believes that  
 36 such party or attorney cannot have a fair and impartial trial or hearing before such judge. In such  
 37 case the presiding judge for the judicial district **or consolidated judicial administrative district**  
 38 shall forthwith transfer the cause, matter or proceeding to another judge of the court, or apply to  
 39 the Chief Justice of the Supreme Court to send a judge to try it; or, if the convenience of witnesses  
 40 or the ends of justice will not be interfered with by such course, and the action or suit is of such  
 41 a character that a change of venue thereof may be ordered, the presiding judge may send the case  
 42 for trial to the most convenient court; except that the issues in such cause may, upon the written  
 43 stipulation of the attorneys in the cause agreeing thereto, be made up in the district of the judge  
 44 to whom the cause has been assigned.

45 **SECTION 50.** ORS 14.260 is amended to read:

1 14.260. (1) Any party to or any attorney appearing in any cause, matter or proceeding in a cir-  
 2 cuit court may establish the belief described in ORS 14.250 by motion supported by affidavit that  
 3 such party or attorney believes that such party or attorney cannot have a fair and impartial trial  
 4 or hearing before such judge, and that it is made in good faith and not for the purpose of delay.  
 5 No specific grounds for the belief need be alleged. Such motion shall be allowed unless the judge  
 6 moved against, or the presiding judge for the judicial district **or consolidated judicial adminis-**  
 7 **trative district**, challenges the good faith of the affiant and sets forth the basis of such challenge.  
 8 In the event of such challenge, a hearing shall be held before a disinterested judge. The burden of  
 9 proof shall be on the challenging judge to establish that the motion was made in bad faith or for the  
 10 purposes of delay.

11 (2) The affidavit shall be filed with such motion at any time prior to final determination of such  
 12 cause, matter or proceedings in uncontested cases, and in contested cases before or within five days  
 13 after such cause, matter or proceeding is at issue upon a question of fact or within 10 days after  
 14 the assignment, appointment and qualification or election and assumption of office of another judge  
 15 to preside over such cause, matter or proceeding.

16 (3) No motion to disqualify a judge shall be made after the judge has ruled upon any petition,  
 17 demurrer or motion other than a motion to extend time in the cause, matter or proceeding. No mo-  
 18 tion to disqualify a judge or a judge pro tem, assigned by the Chief Justice of the Supreme Court  
 19 to serve in a county other than the county in which the judge or judge pro tem resides shall be filed  
 20 more than five days after the party or attorney appearing in the cause receives notice of the as-  
 21 signment.

22 (4) In judicial districts having a population of 100,000 or more, the affidavit and motion for  
 23 change of judge shall be made at the time and in the manner prescribed in ORS 14.270.

24 (5) No party or attorney shall be permitted to make more than two applications in any cause,  
 25 matter or proceeding under this section.

26 **SECTION 51.** ORS 21.112 is amended to read:

27 21.112. (1) The clerk of the court shall collect at the time a proceeding described in subsection  
 28 (4) of this section is filed a fee in an amount determined by the governing body of the county to be  
 29 necessary in the particular type of case, in addition to any other funds used therefor, to pay the  
 30 expenses of providing:

- 31 (a) Mediation under ORS 107.755 to 107.795;
- 32 (b) Conciliation services under ORS 107.510 to 107.610;
- 33 (c) Expedited parenting time enforcement under ORS 107.434;
- 34 (d) Education programs under ORS 3.425;
- 35 (e) Investigations, evaluations, examinations and referrals for services under ORS 107.425; and
- 36 (f) Any other program or service to which parties may be referred or that may be ordered by  
 37 that court, including programs or services established to assist the court or a family in a domestic  
 38 relations case if the presiding judge for the judicial district **or consolidated judicial administra-**  
 39 **tive district** has approved the program or service.

40 (2) Before approving the provision of any program or service under subsection (1)(d) to (f) of this  
 41 section, the presiding judge shall evaluate:

- 42 (a) The need for programs and services described in subsection (1)(a) to (c) of this section and  
 43 the appropriate level of funding for those programs and services; and
- 44 (b) The impact on funding for the programs and services described in subsection (1)(a) to (c) of  
 45 this section that would result from providing a program or service under subsection (1)(d) to (f) of

1 this section.

2 (3) The fees provided for in this section are in addition to all other fees that are collected by  
 3 the clerk at the time the proceeding is filed. Fees collected under this section shall be paid, in the  
 4 manner determined by the State Court Administrator, to the appropriate officer of the county within  
 5 the first 25 days of the month following the month in which collected. The fees shall be used by the  
 6 county to pay the expenses specified in subsection (1) of this section.

7 (4) The additional fee established by this section shall be collected by the clerk:

8 (a) In the following proceedings:

9 (A) Proceedings for dissolution of marriage, annulment of marriage or separation.

10 (B) Filiation proceedings under ORS 109.124 to 109.230.

11 (C) Proceedings to determine custody or support of a child under ORS 109.103.

12 (D) Proceedings for modifications of orders issued under subparagraphs (A) to (C) of this para-  
 13 graph.

14 (E) Proceedings under ORS 107.434.

15 (b) For responses in any of the proceedings listed in paragraph (a) of this subsection.

16 **SECTION 52.** ORS 36.405 is amended to read:

17 36.405. (1) Except as provided in ORS 30.136, in a civil action in a circuit court where all parties  
 18 have appeared, the court shall refer the action to arbitration under ORS 36.400 to 36.425 if either  
 19 of the following applies:

20 (a) The only relief claimed is recovery of money or damages, and no party asserts a claim for  
 21 money or general and special damages in an amount exceeding \$50,000, exclusive of attorney fees,  
 22 costs and disbursements and interest on judgment.

23 (b) The action is a domestic relations suit, as defined in ORS 107.510, in which the only con-  
 24 tested issue is the division or other disposition of property between the parties.

25 (2) The presiding judge for a judicial district **or consolidated judicial administrative district**  
 26 may do either of the following:

27 (a) Exempt from arbitration under ORS 36.400 to 36.425 a civil action that otherwise would be  
 28 referred to arbitration under this section.

29 (b) Remove from further arbitration proceedings a civil action that has been referred to arbi-  
 30 tration under this section, when, in the opinion of the judge, good cause exists for that exemption  
 31 or removal.

32 (3) If a court has established a mediation program that is available for a civil action that would  
 33 otherwise be subject to arbitration under ORS 36.400 to 36.425, the court shall not assign the pro-  
 34 ceeding to arbitration if the proceeding is assigned to mediation pursuant to the agreement of the  
 35 parties. Notwithstanding any other provision of ORS 36.400 to 36.425, a party who completes a  
 36 mediation program offered by a court shall not be required to participate in arbitration under ORS  
 37 36.400 to 36.425.

38 **SECTION 53.** ORS 100.610 is amended to read:

39 100.610. (1) If the property is removed from the provisions of this chapter, as provided by ORS  
 40 100.600 (1) and 100.605, the property shall be considered owned in common by all the unit owners.  
 41 The respective interest of a unit owner shall be the total of the fair market value of the unit of the  
 42 unit owner and common element interest appertaining to such unit immediately before termination  
 43 of the condominium. The proportion of any unit owner's interest to that of all unit owners is de-  
 44 termined by dividing the fair market value of that unit owner's unit and common element interest  
 45 by the total fair market values of all units and common element interests. The fair market value of

1 each unit and common element interest appertaining to such unit shall be determined by:

2 (a) Agreement of all of the unit owners; or

3 (b) An independent appraiser selected by the board of directors of the association. The decision  
 4 of the appraiser shall be distributed to the unit owners and shall become final unless within 15 days  
 5 after the distribution, the board of directors receives written objection from at least 25 percent of  
 6 the unit owners. In such event, a new appraiser shall be selected by the presiding judge for the ju-  
 7 dicial district **or consolidated judicial administrative district** in which the property is located.  
 8 Such appraiser’s decision shall be final.

9 (2) All costs and expenses incurred under subsection (1) of this section shall be common ex-  
 10 penses.

11 (3) In the event any part of the property has been damaged or destroyed, the appraiser may use  
 12 any available data and information pertaining to the condominium including, but not limited to,  
 13 building plans, prior appraisals and information on file with governmental authorities.

14 (4) Liens affecting any unit shall be liens, in accordance with the then existing priorities,  
 15 against the undivided interest of the unit owner in the property owned in common.

16 (5) If a portion of the property is removed from the provisions of this chapter, as provided by  
 17 ORS 100.600 (2), the respective interest of each unit owner and lienholder in the property removed  
 18 and the remaining condominium shall be as stated in the amendment to the declaration in accord-  
 19 ance with ORS 100.600 (2)(c) and (d).

20 **SECTION 54.** ORS 107.425 is amended to read:

21 107.425. (1) In suits or proceedings described in subsection (4) of this section in which there are  
 22 minor children involved, the court may cause an investigation to be made as to the character, family  
 23 relations, past conduct, earning ability and financial worth of the parties for the purpose of pro-  
 24 tecting the children’s future interest. The court may defer the entry of a general judgment until the  
 25 court is satisfied that its judgment in such suit or proceeding will properly protect the welfare of  
 26 such children. The investigative findings shall be offered as and subject to all rules of evidence.  
 27 Costs of the investigation may be charged against one or more of the parties or as a cost in the  
 28 proceedings but shall not be charged against funds appropriated for public defense services.

29 (2) The court, on its own motion or on the motion of a party, may order an independent physical,  
 30 psychological, psychiatric or mental health examination of a party or the children and may require  
 31 any party and the children to be interviewed, evaluated and tested by an expert or panel of experts.  
 32 The court may also authorize the expert or panel of experts to interview other persons and to re-  
 33 quest other persons to make available to the expert or panel of experts records deemed by the court  
 34 or the expert or panel of experts to be relevant to the evaluation. The court may order the parties  
 35 to authorize the disclosure of such records. In the event the parties are unable to stipulate to the  
 36 selection of an expert or panel of experts to conduct the examination or evaluation, the court shall  
 37 appoint a qualified expert or panel of experts. The court shall direct one or more of the parties to  
 38 pay for the examination or evaluation in the absence of an agreement between the parties as to the  
 39 responsibility for payment but shall not direct that the expenses be charged against funds appro-  
 40 priated for public defense services. If more than one party is directed to pay, the court may deter-  
 41 mine the amount that each party will pay based on financial ability.

42 (3)(a) In addition to an investigation, examination or evaluation under subsections (1) and (2)  
 43 of this section, the court may appoint an individual or a panel or may designate a program to assist  
 44 the court in creating parenting plans or resolving disputes regarding parenting time and to assist  
 45 parents in creating and implementing parenting plans. The services provided to the court and to

1 parents under this section may include:

2 (A) Gathering information;

3 (B) Monitoring compliance with court orders;

4 (C) Providing the parents, their attorneys, if any, and the court with recommendations for new  
5 or modified parenting time provisions; and

6 (D) Providing parents with problem solving, conflict management and parenting time coordi-  
7 nation services or other services approved by the court.

8 (b) Services provided under this section may require the provider to possess and utilize medi-  
9 ation skills, but the services are not comprised exclusively of mediation services under ORS 107.755  
10 to 107.795. If only mediation services are provided, the provisions of ORS 107.755 to 107.795 apply.

11 (c) The court may order one or more of the parties to pay for services provided under this  
12 subsection, if the parties are unable to agree on their respective responsibilities for payment. The  
13 court may not order that expenses be charged against funds appropriated for public defense services.

14 (d) The presiding judge [of] **for** each judicial district **or consolidated judicial administrative**  
15 **district** shall establish qualifications for the appointment and training of individuals and panels and  
16 the designation of programs under this section. In establishing qualifications, a presiding judge shall  
17 take into consideration any guidelines recommended by the statewide family law advisory commit-  
18 tee.

19 (4) The provisions of this section apply when:

20 (a) A person files a domestic relations suit, as defined in ORS 107.510;

21 (b) A motion to modify an existing judgment in a domestic relations suit is before the court;

22 (c) A parent of a child born to an unmarried woman initiates a civil proceeding to determine  
23 custody or support under ORS 109.103;

24 (d) A person petitions or files a motion for intervention under ORS 109.119;

25 (e) A person or the administrator files a petition under ORS 109.125 to establish paternity and  
26 paternity is established; or

27 (f) A habeas corpus proceeding is before the court.

28 (5) Application of the provisions of subsection (1), (2) or (3) of this section to the proceedings  
29 under subsection (4) of this section does not prevent initiation, entry or enforcement of an order of  
30 support.

31 (6) The court, on its own motion or on the motion of a party, may appoint counsel for the chil-  
32 dren. However, if requested to do so by one or more of the children, the court shall appoint counsel  
33 for the child or children. A reasonable fee for an attorney so appointed may be charged against one  
34 or more of the parties or as a cost in the proceedings but shall not be charged against funds ap-  
35 propriated for public defense services.

36 (7) Prior to the entry of an order, the court on its own motion or on the motion of a party may  
37 take testimony from or confer with the child or children of the marriage and may exclude from the  
38 conference the parents and other persons if the court finds that such action would be likely to be  
39 in the best interests of the child or children. However, the court shall permit an attorney for each  
40 party to attend the conference and question the child, and the conference shall be reported.

41 **SECTION 55.** ORS 107.434 is amended to read:

42 107.434. (1) The presiding judge [of] **for** each judicial district **or consolidated judicial admin-**  
43 **istrative district** shall establish an expedited parenting time enforcement procedure that may or  
44 may not include a requirement for mediation. The procedure must be easy to understand and initi-  
45 ate. Unless the parties otherwise agree, the court shall conduct a hearing no later than 45 days after

1 the filing of a motion seeking enforcement of a parenting time order. The court shall charge a filing  
 2 fee of \$50, subject to waiver or deferral of the fee under ORS 21.680 to 21.698. The court shall pro-  
 3 vide forms for:

4 (a) A motion filed by either party alleging a violation of parenting time or substantial violations  
 5 of the parenting plan. When a person files this form, the person must include a copy of the order  
 6 establishing the parenting time.

7 (b) An order requiring the parties to appear and show cause why parenting time should not be  
 8 enforced in a specified manner. The party filing the motion shall serve a copy of the motion and  
 9 the order on the other party. The order must include:

10 (A) A notice of the remedies imposable under subsection (2) of this section and the availability  
 11 of a waiver of any mediation requirement; and

12 (B) A notice in substantially the following form:

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13  
 14  
 15 When pleaded and shown in a separate legal action, violation of court orders, including  
 16 visitation and parenting time orders, may also result in a finding of contempt, which can lead to  
 17 fines, imprisonment or other penalties, including compulsory community service.

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19  
 20 (c) A motion, affidavit and order that may be filed by either party and providing for waiver of  
 21 any mediation requirement on a showing of good cause.

22 (2) In addition to any other remedy the court may impose to enforce the provisions of a judg-  
 23 ment relating to the parenting plan, the court may:

24 (a) Modify the provisions relating to the parenting plan by:

25 (A) Specifying a detailed parenting time schedule;

26 (B) Imposing additional terms and conditions on the existing parenting time schedule; or

27 (C) Ordering additional parenting time, in the best interests of the child, to compensate for  
 28 wrongful deprivation of parenting time;

29 (b) Order the party who is violating the parenting plan provisions to post bond or security;

30 (c) Order either or both parties to attend counseling or educational sessions that focus on the  
 31 impact of violation of the parenting plan on children;

32 (d) Award the prevailing party expenses, including, but not limited to, attorney fees, filing fees  
 33 and court costs, incurred in enforcing the party's parenting plan;

34 (e) Terminate, suspend or modify spousal support;

35 (f) Terminate, suspend or modify child support as provided in ORS 107.431; or

36 (g) Schedule a hearing for modification of custody as provided in ORS 107.135 (11).

37 **SECTION 56.** ORS 107.520 is amended to read:

38 107.520. [*The circuit court for any county or the circuit courts of more than one county*  
 39 *comprising*] **The presiding judge for a judicial district or consolidated judicial administrative**  
 40 **district**, after making a determination that the social conditions of [*the county or*] district make it  
 41 desirable to establish conciliation services for the full and proper consideration of domestic relations  
 42 suits filed in [*such county or*] **the** district, may exercise conciliation jurisdiction and obtain, use and  
 43 provide conciliation services under ORS 107.510 to 107.610. After conciliation jurisdiction [*has*  
 44 *been*] **is** established, the [*circuit court or courts of such county or district*] **presiding judge** may at  
 45 any time determine that the need for such service does not warrant its continuance and terminate



1 the same.

2 **SECTION 57.** ORS 107.530 is amended to read:

3 107.530. (1) [A *circuit court or the circuit courts of*] **The presiding judge for a judicial district**  
 4 **or consolidated judicial administrative district** exercising conciliation jurisdiction may obtain  
 5 conciliation services, with the prior approval of the governing body of each county involved, by:

6 (a) Employing or contracting for counselors and other personnel; or

7 (b) Contracting or entering into agreements with public or private agencies to provide concil-  
 8 iation services to the court or courts.

9 (2) Subject to the provisions of the Local Budget Law, the compensation and expenses of per-  
 10 sonnel performing conciliation services for the circuit court or courts and other expenses of pro-  
 11 viding conciliation services may be paid by the county or as may be agreed upon between the  
 12 counties involved. Personnel performing conciliation services are not state employees, and their  
 13 compensation and expenses shall not be paid by the state.

14 **SECTION 58.** ORS 107.755 is amended to read:

15 107.755. (1) [*Each judicial district*] **Judicial districts and consolidated judicial administrative**  
 16 **districts** shall:

17 (a) Provide a mediation orientation session for all parties in cases in which child custody, par-  
 18 enting time or visitation is in dispute, and in any other domestic relations case in which mediation  
 19 has been ordered. The orientation session may be structured in any way the circuit court determines  
 20 best meets the needs of the parties. The orientation session should be designed to make the parties  
 21 aware of:

22 (A) What mediation is;

23 (B) Mediation options available to them; and

24 (C) The advantages and disadvantages of each method of dispute resolution.

25 (b) Except in matters tried under ORS 107.097 and 107.138 or upon a finding of good cause, re-  
 26 quire parties in all cases described in paragraph (a) of this subsection to attend a mediation orien-  
 27 tation session prior to any judicial determination of the issues.

28 (c) Provide mediation under ORS 107.755 to 107.795 in any case in which child custody, parent-  
 29 ing time and visitation are in dispute.

30 (d) Have developed a plan that addresses domestic violence issues and other power imbalance  
 31 issues in the context of mediation orientation sessions and mediation of any issue in accordance  
 32 with the following guidelines:

33 (A) All mediation programs and mediators must recognize that mediation is not an appropriate  
 34 process for all cases and that agreement is not necessarily the appropriate outcome of all mediation;

35 (B) Neither the existence of nor the provisions of a restraining order issued under ORS 107.718  
 36 may be mediated;

37 (C) All mediation programs and mediators must develop and implement:

38 (i) A screening and ongoing evaluation process of domestic violence issues for all mediation  
 39 cases;

40 (ii) A provision for opting out of mediation that allows a party to decline mediation after the  
 41 party has been informed of the advantages and disadvantages of mediation or at any time during the  
 42 mediation; and

43 (iii) A set of safety procedures intended to minimize the likelihood of intimidation or violence  
 44 in the orientation session, during mediation or on the way in or out of the building in which the  
 45 orientation or mediation occurs;

1 (D) When a mediator explains the process to the parties, the mediator shall include in the ex-  
 2 planation the disadvantages of mediation and the alternatives to mediation;

3 (E) All mediators shall obtain continuing education regarding domestic violence and related is-  
 4 sues; and

5 (F) Mediation programs shall collect appropriate data. Mediation programs shall be sensitive  
 6 to domestic violence issues when determining what data to collect.

7 (e) In developing the plan required by paragraph (d) of this subsection, consult with one or more  
 8 of the following:

9 (A) A statewide or local multidisciplinary domestic violence coordinating council.

10 (B) A nonprofit private organization funded under ORS 409.292.

11 (2) Notwithstanding any other provision of law, mediation under ORS 107.755 to 107.795, in-  
 12 cluding the mediation orientation session described in subsection (1)(a) of this section, may not be  
 13 encouraged or provided in proceedings under ORS 30.866, 107.700 to 107.735, 124.005 to 124.040 or  
 14 163.738.

15 (3) The court, as provided in ORS 3.220, may make rules consistent with ORS 107.755 to 107.795  
 16 to govern the operation and procedure of mediation provided under this section.

17 (4) If a court provides mediation of financial issues, it shall develop a list of mediators who meet  
 18 the minimum education and experience qualifications established by rules adopted under ORS 1.002.  
 19 The rules must require demonstrated proficiency in mediation of financial issues. Once the list is  
 20 developed, the judicial district **or consolidated judicial administrative district** shall maintain the  
 21 list. Mediation of financial issues is subject to the plan developed under subsection (1)(d) of this  
 22 section and to the limitations imposed by subsection (2) of this section.

23 (5) A circuit court may provide mediation in connection with its exercise of conciliation juris-  
 24 diction under ORS 107.510 to 107.610, but a circuit court need not provide conciliation services in  
 25 order to provide mediation under ORS 107.755 to 107.795.

26 **SECTION 59.** ORS 132.320 is amended to read:

27 132.320. (1) Except as provided in subsections (2) to (11) of this section, in the investigation of  
 28 a charge for the purpose of indictment, the grand jury shall receive no other evidence than such  
 29 as might be given on the trial of the person charged with the crime in question.

30 (2) A report or a copy of a report made by a physicist, chemist, medical examiner, physician,  
 31 firearms identification expert, examiner of questioned documents, fingerprint technician, or an ex-  
 32 pert or technician in some comparable scientific or professional field, concerning the results of an  
 33 examination, comparison or test performed by such person in connection with a case which is the  
 34 subject of a grand jury proceeding, shall, when certified by such person as a report made by such  
 35 person or as a true copy thereof, be received in evidence in the grand jury proceeding.

36 (3) An affidavit of a witness who is unable to appear before the grand jury shall be received in  
 37 evidence in the grand jury proceeding if, upon application by the district attorney, the presiding  
 38 judge for the judicial district **or consolidated judicial administrative district** in which the grand  
 39 jury is sitting authorizes such receipt after good cause has been shown for the witness' inability to  
 40 appear. An affidavit taken in another state or territory of the United States, the District of  
 41 Columbia or in a foreign country must be authenticated as provided in ORS 194.505 to 194.575 before  
 42 it can be used in this state.

43 (4) A grand jury that is investigating a charge of criminal driving while suspended or revoked  
 44 under ORS 811.182 may receive in evidence an affidavit of a peace officer with a report or copy of  
 45 a report of the peace officer concerning the peace officer's investigation of the violation of ORS

1 811.182 by the defendant.

2 (5) A grand jury may receive testimony of a witness by means of simultaneous television trans-  
 3 mission allowing the grand jury and district attorney to observe and communicate with the witness  
 4 and the witness to observe and communicate with the grand jury and the district attorney.

5 (6) A grand jury that is investigating a charge of failure to appear under ORS 133.076, 153.992,  
 6 162.195 or 162.205 may receive in evidence an affidavit of a court employee certifying that the de-  
 7 fendant failed to appear as required by law and setting forth facts sufficient to support that con-  
 8 clusion.

9 (7)(a) Except as otherwise provided in this subsection, a grand jury may receive in evidence  
 10 through the testimony of one peace officer involved in the criminal investigation under grand jury  
 11 inquiry information from an official report of another peace officer involved in the same criminal  
 12 investigation concerning the other peace officer's investigation of the matter before the grand jury.  
 13 The statement of a person suspected of committing an offense or inadmissible hearsay of persons  
 14 other than the peace officer who compiled the official report may not be presented to a grand jury  
 15 under this paragraph.

16 (b) If the official report contains evidence other than chain of custody, venue or the name of the  
 17 person suspected of committing an offense, the grand jurors must be notified that the evidence is  
 18 being submitted by report and that the peace officer who compiled the report will be made available  
 19 for testimony at the request of the grand jury. When a grand jury requests the testimony of a peace  
 20 officer under this paragraph, the peace officer may present sworn testimony by telephone if requir-  
 21 ing the peace officer's presence before the grand jury would constitute an undue hardship on the  
 22 peace officer or the agency that employs or utilizes the peace officer.

23 (8) A grand jury that is investigating a charge of failure to report as a sex offender under ORS  
 24 181.599 may receive in evidence certified copies of the form required by ORS 181.603 (2) and sex  
 25 offender registration forms and an affidavit of a representative of the Oregon State Police, as  
 26 keepers of the state's sex offender registration records, certifying that the certified copies of the  
 27 forms constitute the complete record for the defendant.

28 (9) The grand jury is not bound to hear evidence for the defendant, but it shall weigh all the  
 29 evidence submitted to it; and when it believes that other evidence within its reach will explain away  
 30 the charge, it should order such evidence to be produced, and for that purpose may require the  
 31 district attorney to issue process for the witnesses.

32 (10) A grand jury that is investigating a charge of driving while under the influence of  
 33 intoxicants in violation of ORS 813.010 may receive in evidence an affidavit of a peace officer re-  
 34 garding any or all of the following:

35 (a) Whether the defendant was driving.

36 (b) Whether the defendant took or refused to take tests under any provision of ORS chapter 813.

37 (c) The administration of tests under any provision of ORS chapter 813 and the results of such  
 38 tests.

39 (d) The officer's observations of physical or mental impairment of the defendant.

40 (11)(a) A grand jury may receive in evidence an affidavit of a representative of a financial in-  
 41 stitution for the purpose of authenticating records of the financial institution.

42 (b) As used in this subsection, "financial institution" means a financial institution as defined in  
 43 ORS 706.008, an entity that regularly issues, processes or services credit cards or any other com-  
 44 parable entity that regularly produces financial records.

45 **SECTION 60.** ORS 135.055 is amended to read:

1 135.055. (1) Counsel appointed pursuant to ORS 135.045 or 135.050 shall be paid fair compen-  
 2 sation for representation in the case:

3 (a) By the county, subject to the approval of the governing body of the county, in a proceeding  
 4 in a county or justice court.

5 (b) By the public defense services executive director from funds available for the purpose, in a  
 6 proceeding in a circuit court.

7 (2) Except for counsel appointed pursuant to contracts or counsel employed by the public de-  
 8 fense services executive director, compensation payable to appointed counsel under subsection (1)  
 9 of this section:

10 (a) In a proceeding in a county or justice court may not be less than \$30 per hour.

11 (b) In a proceeding in a circuit court is subject to the applicable compensation established under  
 12 ORS 151.216.

13 (3)(a) A person determined to be eligible for appointed counsel is entitled to necessary and  
 14 reasonable fees and expenses for investigation, preparation and presentation of the case for trial,  
 15 negotiation and sentencing. The person or the counsel for the person shall upon written request  
 16 secure preauthorization to incur fees and expenses that are not routine to representation but are  
 17 necessary and reasonable in the investigation, preparation and presentation of the case, including  
 18 but not limited to nonroutine travel, photocopying or other reproduction of nonroutine documents,  
 19 necessary costs associated with obtaining the attendance of witnesses for the defense, investigator  
 20 fees and expenses, expert witness fees and expenses and fees for interpreters and assistive commu-  
 21 nication devices necessary for the purpose of communication between counsel and a client or wit-  
 22 ness in the case. Preauthorization to incur a fee or expense does not guarantee that a fee or expense  
 23 incurred pursuant to the preauthorization will be determined to be necessary or reasonable when  
 24 the fee or expense is submitted for payment.

25 (b) In a county or justice court, the request must be in the form of a motion to the court. The  
 26 motion must be accompanied by a supporting affidavit that sets out in detail the purpose of the re-  
 27 quested expenditure, the name of the service provider or other recipient of the funds, the dollar  
 28 amount of the requested expenditure that may not be exceeded without additional authorization and  
 29 the date or dates during which the service will be rendered or events will occur for which the ex-  
 30 penditure is requested.

31 (c) In a circuit court, the request must be in the form and contain the information that is re-  
 32 quired by the policies, procedures, standards and guidelines of the Public Defense Services Com-  
 33 mission. If the public defense services executive director denies a request for preauthorization to  
 34 incur nonroutine fees and expenses, the person making the request may appeal the decision to the  
 35 presiding judge *[of the circuit court]* **for the judicial district or consolidated judicial administra-**  
 36 **tive district.** The presiding judge has final authority to preauthorize incurring nonroutine fees and  
 37 expenses under this paragraph.

38 (d) Entitlement under subsection (7) of this section to payment for fees and expenses in circuit  
 39 court is subject to the policies, procedures, standards and guidelines adopted under ORS 151.216.  
 40 Entitlement to payment of nonroutine fees and expenses is dependent upon obtaining preauthori-  
 41 zation from the court, if the case is in county or justice court, or from the public defense services  
 42 executive director, if the case is in circuit court, except as otherwise provided in paragraph (c) of  
 43 this subsection and in the policies, procedures, standards and guidelines adopted under ORS 151.216.  
 44 Fees and expenses shall be paid:

45 (A) By the county, in respect to a proceeding in a county or justice court.

1 (B) By the public defense services executive director from funds available for the purpose, in  
 2 respect to a proceeding in a circuit court.

3 (C) By the city, in respect to a proceeding in municipal court.

4 (4) Upon completion of all services by the counsel of a person determined to be eligible for ap-  
 5 pointed counsel, the counsel shall submit a statement of all necessary and reasonable fees and ex-  
 6 penses of investigation, preparation and presentation and, if counsel was appointed by the court, a  
 7 statement of all necessary and reasonable fees and expenses for legal representation, supported by  
 8 appropriate receipts or vouchers and certified by the counsel to be true and accurate.

9 (5) In a county or justice court, the total fees and expenses payable under this section must be  
 10 submitted to the court by counsel or other providers and are subject to the review of the court. The  
 11 court shall certify that such amount is fair reimbursement for fees and expenses for representation  
 12 in the case as provided in subsection (6) of this section. Upon certification and any verification as  
 13 provided under subsection (6) of this section, the amount of the fees and expenses approved by the  
 14 court and not already paid shall be paid by the county.

15 (6) In a county or justice court, the court shall certify to the administrative authority respon-  
 16 sible for paying fees and expenses under this section that the amount for payment is reasonable and  
 17 that the amount is properly payable out of public funds.

18 (7) In a circuit court, the total fees and expenses payable under this section must be submitted  
 19 to and are subject to review by the public defense services executive director. The public defense  
 20 services executive director shall determine whether the amount is necessary, reasonable and prop-  
 21 erly payable from public funds for fees and expenses for representation in the case as provided by  
 22 the policies, procedures, standards and guidelines of the Public Defense Services Commission. The  
 23 public defense services executive director shall pay the amount of the fees and expenses determined  
 24 necessary, reasonable and properly payable out of public funds. The court shall provide any infor-  
 25 mation identified and requested by the public defense services executive director as needed for au-  
 26 dit, statistical or any other purpose pertinent to ensure the proper disbursement of state funds or  
 27 pertinent to the provision of appointed counsel compensated at state expense.

28 (8) If the public defense services executive director denies, in whole or in part, fees and ex-  
 29 penses submitted for review and payment, the person who submitted the payment request may appeal  
 30 the decision to the presiding judge [*of the circuit court*] **for the judicial district or consolidated**  
 31 **judicial administrative district**. The presiding judge, or the designee of the presiding judge, shall  
 32 review the public defense services executive director's decision for abuse of discretion. The decision  
 33 of the presiding judge, or the designee of the presiding judge, is final.

34 (9) The following may not be disclosed to the district attorney prior to the conclusion of a case:

35 (a) Requests and administrative or court orders for preauthorization to incur nonroutine fees  
 36 and expenses in the investigation, preparation and presentation of the case; and

37 (b) Billings for such fees and expenses submitted by counsel or other providers.

38 (10) Notwithstanding subsection (9) of this section, the total amount of moneys determined to  
 39 be necessary and reasonable for nonroutine fees and expenses may be disclosed to the district at-  
 40 torney at the conclusion of the trial in the circuit court.

41 (11) As used in this section unless the context requires otherwise, "counsel" includes a legal  
 42 advisor appointed under ORS 135.045.

43 **SECTION 61.** ORS 135.235 is amended to read:

44 135.235. (1) If directed by the presiding judge for a judicial district **or consolidated judicial**  
 45 **administrative district**, a release assistance officer, and release assistance deputies who shall be

1 responsible to the release assistance officer, shall be appointed under a personnel plan established  
 2 by the Chief Justice of the Supreme Court.

3 (2) The release assistance officer shall, except when impracticable, interview every person de-  
 4 tained pursuant to law and charged with an offense.

5 (3) The release assistance officer shall verify release criteria information and may either:

6 (a) Timely submit a written report to the magistrate containing, but not limited to, an evaluation  
 7 of the release criteria and a recommendation for the form of release; or

8 (b) If delegated release authority by the presiding judge [*for the judicial district*], make the re-  
 9 lease decision.

10 **SECTION 62.** ORS 138.590 is amended to read:

11 138.590. (1) Any petitioner who is unable to pay the expenses of a proceeding pursuant to ORS  
 12 138.510 to 138.680 or to employ suitable counsel possessing skills and experience commensurate with  
 13 the nature of the conviction and complexity of the case for the proceeding may proceed as a finan-  
 14 cially eligible person pursuant to this section upon order of the circuit court in which the petition  
 15 is filed.

16 (2) If the petitioner wishes to proceed as a financially eligible person, the person shall file with  
 17 the petition an affidavit stating inability to pay the expenses of a proceeding pursuant to ORS  
 18 138.510 to 138.680, including, but not limited to, the filing fee required by ORS 138.560, or to employ  
 19 suitable counsel for such a proceeding. The affidavit shall contain a brief statement of the  
 20 petitioner's assets and liabilities and income during the previous year. If the circuit court is satisfied  
 21 that the petitioner is unable to pay such expenses or to employ suitable counsel, it shall order that  
 22 the petitioner proceed as a financially eligible person. If the court finds that a petitioner who has  
 23 been sentenced to death is not competent to decide whether to accept or reject the appointment of  
 24 counsel, the court shall appoint counsel to represent the petitioner. However, when a circuit court  
 25 orders petitioner's case transferred to another circuit court as provided in ORS 138.560 (4), the  
 26 matter of petitioner's proceeding as a financially eligible person shall be determined by the latter  
 27 court.

28 (3) If a petitioner who has been sentenced to death qualifies for the appointment of counsel un-  
 29 der this section but rejects the appointment, the court shall determine, after a hearing if necessary,  
 30 whether the petitioner rejected the offer of counsel and made the decision with an understanding  
 31 of its legal consequences. The court shall make appropriate findings on the record.

32 (4) In the order to proceed as a financially eligible person, the circuit court shall appoint suit-  
 33 able counsel to represent petitioner. Counsel so appointed shall represent petitioner throughout the  
 34 proceedings in the circuit court. The court may not substitute one appointed counsel for another  
 35 except pursuant to the policies, procedures, standards and guidelines of the Public Defense Services  
 36 Commission.

37 (5) If counsel appointed by the circuit court determines that the petition as filed by petitioner  
 38 is defective, either in form or in substance, or both, counsel may move to amend the petition within  
 39 15 days following counsel's appointment, or within a further period as the court may allow. The  
 40 amendment shall be permitted as of right at any time during this period. If appointed counsel be-  
 41 lieves that the original petition cannot be construed to state a ground for relief under ORS 138.510  
 42 to 138.680, and cannot be amended to state a ground for relief, counsel shall, in lieu of moving to  
 43 amend the petition, inform the petitioner and notify the circuit court of counsel's belief by filing an  
 44 affidavit stating the belief and the reasons therefor with the clerk of the circuit court. This affidavit  
 45 does not constitute a ground for denying the petition prior to a hearing upon its sufficiency, but the

1 circuit court may consider the affidavit in deciding upon the sufficiency of the petition at the  
 2 hearing.

3 (6) When a petitioner has been ordered to proceed as a financially eligible person, the expenses  
 4 which are necessary for the proceedings upon the petition in the circuit court and the compensation  
 5 to appointed counsel for petitioner as provided in this subsection shall be paid by the public defense  
 6 services executive director from funds available for the purpose. At the conclusion of proceedings  
 7 on a petition pursuant to ORS 138.510 to 138.680, the public defense services executive director shall  
 8 determine and pay, as provided by the policies, procedures, standards and guidelines of the Public  
 9 Defense Services Commission, the amount of expenses of petitioner and compensation for the ser-  
 10 vices of appointed counsel in the proceedings in the circuit court.

11 (7) If the public defense services executive director denies, in whole or in part, expenses and  
 12 compensation submitted for review and payment, the person who submitted the payment request may  
 13 appeal the decision to the presiding judge *[of the circuit court]* **for the judicial district or consol-**  
 14 **idated judicial administrative district.** The presiding judge, or the designee of the presiding  
 15 judge, shall review the public defense services executive director's decision for abuse of discretion.  
 16 The decision of the presiding judge, or the designee of the presiding judge, is final.

17 (8)(a) When a petitioner has been authorized to proceed as a financially eligible person, all court  
 18 fees in the circuit court, except for the filing fee required by ORS 138.560, are waived.

19 (b) When a petitioner is allowed to file a petition without payment of the fee required by ORS  
 20 138.560 due to inability to pay, the fee is not waived but may be drawn from, or charged against,  
 21 the petitioner's trust account if the petitioner is an inmate in a correctional facility.

22 (9) Notwithstanding any other provision of this chapter, a court may not appoint as counsel for  
 23 a petitioner who has been sentenced to death a counsel who previously represented the petitioner  
 24 at trial or on automatic and direct review in the case resulting in the death sentence unless the  
 25 petitioner and the counsel expressly request continued representation.

26 **SECTION 63.** ORS 166.370 is amended to read:

27 166.370. (1) Any person who intentionally possesses a loaded or unloaded firearm or any other  
 28 instrument used as a dangerous weapon, while in or on a public building, shall upon conviction be  
 29 guilty of a Class C felony.

30 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who inten-  
 31 tionally possesses:

32 (A) A firearm in a court facility is guilty, upon conviction, of a Class C felony. A person who  
 33 intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement  
 34 officer.

35 (B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon  
 36 to a law enforcement officer or to immediately remove it from the court facility. A person who fails  
 37 to comply with this subparagraph is guilty, upon conviction, of a Class C felony.

38 (b) The presiding judge *[of]* **for** a judicial district **or consolidated judicial administrative dis-**  
 39 **trict** may enter an order permitting the possession of specified weapons in a court facility.

40 (3) Subsection (1) of this section does not apply to:

41 (a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while  
 42 acting within the scope of employment.

43 (b) A person summoned by a peace officer to assist in making an arrest or preserving the peace,  
 44 while the summoned person is engaged in assisting the officer.

45 (c) An active or reserve member of the military forces of this state or the United States, when

1 engaged in the performance of duty.

2 (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

3 (e) A person who is authorized by the officer or agency that controls the public building to  
4 possess a firearm or dangerous weapon in that public building.

5 (f) An employee of the United States Department of Agriculture, acting within the scope of em-  
6 ployment, who possesses a firearm in the course of the lawful taking of wildlife.

7 (g) Possession of a firearm on school property if the firearm:

8 (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

9 (B) Is unloaded and locked in a motor vehicle.

10 (4) The exceptions listed in subsection (3)(b) to (g) of this section constitute affirmative defenses  
11 to a charge of violating subsection (1) of this section.

12 (5)(a) Any person who knowingly, or with reckless disregard for the safety of another, discharges  
13 or attempts to discharge a firearm at a place that the person knows is a school shall upon con-  
14 viction be guilty of a Class C felony.

15 (b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

16 (A) As part of a program approved by a school in the school by an individual who is partic-  
17 ipating in the program;

18 (B) By a law enforcement officer acting in the officer's official capacity; or

19 (C) By an employee of the United States Department of Agriculture, acting within the scope of  
20 employment, in the course of the lawful taking of wildlife.

21 (6) Any weapon carried in violation of this section is subject to the forfeiture provisions of ORS  
22 166.279.

23 (7) Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a  
24 violation of both subsections (1) and (5) of this section, the district attorney may charge the person  
25 with only one of the offenses.

26 (8) As used in this section, "dangerous weapon" means a dangerous weapon as that term is de-  
27 fined in ORS 161.015.

28 **SECTION 64.** ORS 166.373 is amended to read:

29 166.373. (1) Notwithstanding ORS 166.370 (2) and except as provided in subsection (2) of this  
30 section, a peace officer, as defined in ORS 161.015, or a federal officer, as defined in ORS 133.005,  
31 may possess a weapon in a court facility if the officer:

32 (a) Is acting in an official capacity and is officially on duty;

33 (b) Is carrying a weapon that the employing agency of the officer has authorized the officer to  
34 carry; and

35 (c) Is in compliance with any security procedures established under subsections (3) and (4) of  
36 this section.

37 (2) A judge may prohibit a peace officer or a federal officer from possessing a weapon in a  
38 courtroom. A notice of the prohibition of the possession of a weapon by an officer in a courtroom  
39 must be posted outside the entrance to the courtroom.

40 (3) [A] **The** presiding judge [of] **for** a judicial district **or consolidated judicial administrative**  
41 **district**, or the Chief Justice of the Supreme Court, may establish procedures regulating the pos-  
42 session of a weapon in a court facility by a peace officer or a federal officer subject to the following:

43 (a) The procedures must be established through a plan for court security improvement, emer-  
44 gency preparedness and business continuity under ORS 1.177 or 1.180; and

45 (b) Notice of the procedures must be posted at the entrance to the court facility, or at an en-



1 trance for peace officers or federal officers if the entrance is separate from the entrance to the court  
2 facility, and at a security checkpoint in the court facility.

3 (4) A judge may establish procedures regulating the possession of a weapon in a courtroom by  
4 a peace officer or a federal officer. A notice of the procedures regulating the possession of a weapon  
5 by an officer must be posted outside the entrance to the courtroom.

6 **SECTION 65.** ORS 221.315 is amended to read:

7 221.315. (1) Prosecution of violations of the charter or ordinances of a city in circuit or justice  
8 court shall be by the city attorney and in the name of such city. An agreement may be made be-  
9 tween any city and, on behalf of the state, the presiding judge for the judicial district **or consol-**  
10 **idated judicial administrative district** in which all or part of such city is located, that such  
11 violations be prosecuted for such city in the circuit court by the district attorney in the name of the  
12 State of Oregon. An agreement may be made, pursuant to ORS 190.010, between any city and the  
13 county in which all or part of such city is located, that such violations be prosecuted for such city  
14 in the justice court by the district attorney in the name of the State of Oregon.

15 (2) Except as otherwise provided by an agreement made under subsection (1) of this section in  
16 respect to the court, all fines, costs and forfeited security deposits collected by the circuit or justice  
17 court having jurisdiction of a violation of a city charter or ordinance shall be paid as follows:

18 (a) One-half of all fines and forfeited security deposits shall be credited and distributed under  
19 ORS 137.293 and 137.295 to the treasurer of the city whose charter or ordinance was violated, as a  
20 monetary obligation payable to the city.

21 (b) If collected by the circuit court, the costs and one-half of the fines and forfeited security  
22 deposits shall be credited and distributed under ORS 137.293 and 137.295, as a monetary obligation  
23 payable to the state.

24 (c) If collected by the justice court, the costs and one-half of the fines and forfeited security  
25 deposits shall be credited and distributed under ORS 137.293 and 137.295 to the treasurer of the  
26 county in which the court is located as a monetary obligation payable to the county.

27 **SECTION 66.** ORS 403.160 is amended to read:

28 403.160. (1) All disputes between a governing body, 9-1-1 jurisdiction and public or private safety  
29 agency regarding a 9-1-1 system must be mediated if the dispute cannot be resolved in accordance  
30 with a written agreement. When a governing body or 9-1-1 jurisdiction obtains knowledge that a  
31 dispute exists and cannot be resolved by the agencies, it shall notify the Office of Emergency Man-  
32 agement of the dispute in writing. Within 30 days of this notification, the disputing agencies shall  
33 mutually select a mediator and notify the office in writing of this selection. If a mediator is not  
34 mutually selected by the agencies within this period, the Director of the Office of Emergency Man-  
35 agement shall select a mediator from the list of mediators established under subsection (3) of this  
36 section. Once selected, the mediator shall establish a schedule for the mediation process. The dis-  
37 puting agencies shall resolve the dispute within 60 days from the date the mediator is agreed upon  
38 or selected unless the agencies mutually agree in writing to an extension of this deadline. A copy  
39 of all extensions must be submitted to the office.

40 (2) When the mediation process in subsection (1) of this section ends, the mediator shall notify  
41 the office in writing of the outcome of the mediation. If the agencies are not able to resolve their  
42 dispute through mediation, the 9-1-1 jurisdiction or governing body and public or private safety  
43 agency or agencies shall submit the dispute to arbitration. The agencies shall select an arbitrator  
44 within 30 days from the end of the mediation. If the disputing agencies are unable to mutually select  
45 an arbitrator within this period, the director shall request the presiding judge for the judicial dis-

1 trict **or consolidated judicial administrative district** in which the 9-1-1 system is located to select  
2 an arbitrator. The arbitrator shall hear and decide the dispute within 30 days from selection unless  
3 the agencies mutually agree in writing to an extension of this deadline. A party to an arbitration  
4 under this subsection may seek confirmation, vacation, modification or correction of the arbitrator's  
5 decision as provided in ORS 36.700, 36.705 and 36.710. A court may vacate a decision only if there  
6 is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d). The court may modify or  
7 correct a decision only for the grounds given in ORS 36.710.

8 (3) The office shall establish a roster of mediators qualified to mediate disputes under subsection  
9 (1) of this section. This list may be used by the disputing agencies when selecting a mediator.

10 (4) Unless otherwise agreed upon, the costs of the mediation or arbitration, including the  
11 mediator's or arbitrator's fees, must be divided equally among the disputing agencies.

12 **SECTION 67.** ORS 417.830 is amended to read:

13 417.830. (1) Consistent with the requirements of ORS 417.715 to 417.725, the governing body of  
14 Deschutes County may establish a demonstration project that authorizes the county to:

15 (a) Within the county, assume responsibility for providing or obtaining some or all services to  
16 children and families that primarily focus on the welfare of the child and that would otherwise be  
17 provided or obtained by or through one or more state agencies with the exception of child protective  
18 services as described in ORS 418.747, 418.748 and 418.746 to 418.796; and

19 (b) During the time the county assumes responsibility for the services and according to the  
20 provisions of the intergovernmental agreement by which the county assumes those responsibilities,  
21 receive the moneys available to state agencies to provide or obtain those services. If the moneys  
22 therefor are not transferred, the county is not required to assume responsibility for the service.

23 (2) In order to exercise authority under subsection (1) of this section, the local commission ap-  
24 pointed under ORS 417.833 shall develop for the governing body of Deschutes County a plan for  
25 assuming the responsibilities described in subsection (1)(a) of this section. The plan shall establish  
26 standards by which the appropriate state agencies may monitor and assure performance of the  
27 demonstration project. The standards shall not establish requirements for how the county provides  
28 or obtains the service, but shall address expected outcomes and goals. The plan may provide for the  
29 transfer of employees involved in the services. The provisions of ORS 423.549 shall apply to any  
30 transferred employees of the Department of Corrections and the provisions of ORS 236.605 to 236.640  
31 apply to all other transferred employees.

32 (3) The plan shall be submitted to the county governing body and may be submitted to the pre-  
33 siding judge for the judicial district **or consolidated judicial administrative district** for approval.  
34 No portion of the plan that relates to the administration, procedures or programs of the courts shall  
35 be submitted to the county governing body without the concurrence of the presiding judge [*for the*  
36 *judicial district*].

37 (4) The plan shall be specific about the services for which the county assumes responsibility and  
38 shall provide measures by which the state can assure that services are not being diminished from  
39 the level provided or obtained by the state.

40 **SECTION 68.** ORS 417.833 is amended to read:

41 417.833. (1) The governing body of the county shall appoint a chairperson and a minimum of  
42 eight members to a local commission to develop and implement the plan. No member shall be ap-  
43 pointed to the commission whose primary income is derived from either offering direct service to  
44 children and youth or being an administrator for a program for children and youth. Members of the  
45 commission shall be appointed to four-year terms. A member is eligible for reappointment.

1 (2) There shall be a staff director for the local commission. The governing body shall hire the  
 2 staff director. The staff director shall be supervised by the local commission. The staff director shall  
 3 hire and supervise any other support staff necessary for operation of the local commission. Such  
 4 staff shall be county employees subject to county personnel rules.

5 (3) The governing body of the county may include the presiding judge for the judicial district  
 6 **or consolidated judicial administrative district** in the appointment of the chairperson and mem-  
 7 bers of the local commission, the hiring of the staff director and the approval of the plan.

8 (4) The local commission shall establish a local advisory council to aid and advise the commis-  
 9 sion. Affected state, county and local agencies shall participate in activities of the council and shall  
 10 identify current delivery systems and attached resources.

11 **SECTION 69.** ORS 420.017 is amended to read:

12 420.017. (1) The Oregon Youth Authority shall develop annually a plan for diversion of delin-  
 13 quent youth from commitment to the youth correction facilities to alternative community services.

14 (2) In consultation with the local commissions on children and families established under ORS  
 15 417.760, the juvenile departments shall develop a plan for services needed to divert the commitment  
 16 of youth from the youth correction facilities, and how these services are to be administered if funds  
 17 are provided. Following review and comment by local commissions, the plan must be approved in  
 18 the form of a resolution by the governing body of the appropriate county and of a letter of concur-  
 19 rence from the presiding judge for the judicial district **or consolidated judicial administrative**  
 20 **district** in which the juvenile court is located.

21 (3) The youth authority shall develop and implement a statewide diversion plan after taking the  
 22 local juvenile departments' plans into consideration and after consulting with affected service pro-  
 23 viders.

24 **SECTION 70.** ORS 423.150 is amended to read:

25 423.150. (1) The Department of Corrections shall:

26 (a) Provide appropriate treatment services to drug-addicted persons in the custody of the de-  
 27 partment who are at a high or medium risk of reoffending and who have moderate to severe treat-  
 28 ment needs; and

29 (b) Make grants to counties in order to provide supplemental funding for:

30 (A) The operation of local jails;

31 (B) Appropriate treatment services for drug-addicted persons on probation, parole or post-prison  
 32 supervision; or

33 (C) The intensive supervision of drug-addicted persons on probation, parole or post-prison  
 34 supervision, including the incarceration of drug-addicted persons who have violated the terms and  
 35 conditions of probation, parole or post-prison supervision.

36 (2) The Oregon Criminal Justice Commission shall make grants to counties in order to provide  
 37 supplemental funding for drug courts for drug-addicted persons, including the costs of appropriate  
 38 treatment services and the incarceration of persons who have violated the terms and conditions of  
 39 a drug court.

40 (3)(a) The appropriate legislative committee shall periodically conduct oversight hearings on the  
 41 effectiveness of this section.

42 (b) The Oregon Criminal Justice Commission shall periodically conduct independent evaluations  
 43 of the programs funded by this section for their effectiveness in reducing criminal behavior in a  
 44 cost-effective manner.

45 (4) The Department of Corrections shall determine which persons are eligible for treatment un-

1 der subsection (1)(a) of this section using an actuarial risk assessment tool.

2 (5) The department shall adopt rules to administer the grant program described in subsection  
3 (1)(b) of this section.

4 (6) Prior to adopting the rules described in subsection (5) of this section, the department shall  
5 consult with a broad-based committee that includes representatives of:

6 (a) County boards of commissioners;

7 (b) County sheriffs;

8 (c) District attorneys;

9 (d) County community corrections;

10 (e) The Oregon Criminal Justice Commission;

11 (f) Presiding judges of the judicial districts *[of this state]* **and consolidated judicial adminis-**  
12 **trative districts established under ORS 3.012;**

13 (g) Public defenders; and

14 (h) Treatment providers.

15 (7) In determining which grant proposals to fund within each county, the department shall:

16 (a) Consult with the committee described in subsection (6) of this section;

17 (b) Give priority to those proposals that are best designed to reduce crime and drug addiction;  
18 and

19 (c) Be guided by evidence-based practices, risk assessment tools or other research-based con-  
20 siderations.

21 (8) Nothing in this section:

22 (a) Creates any claim, right of action or civil liability; or

23 (b) Requires a supervisory authority or the Department of Corrections to provide treatment to  
24 any individual under the authority's supervision or in the custody of the department.

25 (9) As used in this section:

26 (a) "Drug-addicted person" means a person who has lost the ability to control the personal use  
27 of controlled substances or alcohol, or who uses controlled substances or alcohol to the extent that  
28 the health of the person or that of others is substantially impaired or endangered or the social or  
29 economic function of the person is substantially disrupted. A drug-addicted person may be physically  
30 dependent, a condition in which the body requires a continuing supply of a controlled substance or  
31 alcohol to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition  
32 characterized by an overwhelming mental desire for continued use of a controlled substance or al-  
33 cohol.

34 (b) "Intensive supervision" means the active monitoring of a person's performance in a treat-  
35 ment program by a parole and probation officer and the imposition of sanctions, or request to a  
36 court for sanctions, if the person fails to abide by the terms and conditions of a treatment program.

37 **SECTION 71.** ORS 423.560 is amended to read:

38 423.560. (1) The board of county commissioners of a county shall convene a local public safety  
39 coordinating council. The council shall include, but need not be limited to:

40 (a) A police chief selected by the police chiefs in the county;

41 (b) The sheriff of the county or, if two or more counties have joined together to provide com-  
42 munity corrections services, a sheriff selected by the sheriffs in the counties;

43 (c) The district attorney of the county or, if two or more counties have joined together to pro-  
44 vide community corrections services, a district attorney selected by the district attorneys of the  
45 counties;

1 (d) A state court judge, and a public defender or defense attorney, both appointed by the pre-  
 2 siding judge [of] **for** the judicial district **or consolidated judicial administrative district** in which  
 3 the county is located;

4 (e) A director of community corrections, a county commissioner, a juvenile department director,  
 5 a health director, a mental health director and at least one lay citizen, all appointed by the county  
 6 commissioners;

7 (f) A city councilor or mayor and a city manager or other city representative, both selected by  
 8 the cities in the county;

9 (g) A representative of the Oregon State Police, who is a nonvoting member of the council, se-  
 10 lected by the Superintendent of State Police; and

11 (h) A representative of the Oregon Youth Authority, who is a nonvoting member of the council,  
 12 selected by the Director of the Oregon Youth Authority.

13 (2) The boards of county commissioners of two or more counties may jointly convene a single,  
 14 regional local public safety coordinating council by means of an intergovernmental agreement. Local  
 15 officials may combine the council with existing local criminal justice advisory councils established  
 16 under ORS 1.851.

17 (3) The local public safety coordinating council shall, at a minimum:

18 (a) Develop and recommend to the county board of commissioners a plan for use of:

19 (A) State resources to serve the local offender population; and

20 (B) State and local resources to serve the needs of that part of the local offender population  
 21 who are at least 15 years of age and less than 18 years of age, which plan must provide for coor-  
 22 dination of community-wide services involving prevention, treatment, education, employment re-  
 23 sources and intervention strategies; and

24 (b) Coordinate local criminal justice policy among affected criminal justice entities.

25 (4) Nonvoting members of a local public safety coordinating council may not be counted in de-  
 26 termining whether a quorum exists.

27 (5) If a quorum is present at any meeting of the council, action may be taken by an affirmative  
 28 vote of a majority of the quorum.

29 (6) The appointing authorities described in subsection (1) of this section shall fill a vacancy over  
 30 which they have appointment authority within three months of a vacancy or as soon as possible.

31 **SECTION 72.** ORS 430.475 is amended to read:

32 430.475. (1) The results of the evaluation of an arrested person suspected of being drug depend-  
 33 ent shall be made available to the prosecuting and defense attorneys and the presiding judge for the  
 34 judicial district **or consolidated judicial administrative district**, but shall not be entered into ev-  
 35 idence in any subsequent trial of the accused except upon written consent of the accused or upon  
 36 a finding by the court that the relevance of the results outweighs their prejudicial effect.

37 (2) Except as provided in subsection (1) of this section, results of evaluation or information  
 38 voluntarily provided to evaluation or treatment personnel by a person under ORS 430.450 to 430.555  
 39 shall be confidential and shall not be admitted as evidence in criminal proceedings. Reports sub-  
 40 mitted to the court or the prosecutor by the diversion coordinator shall consist solely of matters  
 41 required to be reported by the terms of the diversion plan, together with an assessment of the  
 42 person's progress toward achieving the goals set forth in the plan. Communications between the  
 43 person participating in the plan and the diversion coordinator shall be privileged unless they relate  
 44 directly to the elements required to be reported under the diversion plan.

CAPTIONS

**SECTION 73. The unit captions used in this 2011 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act.**

EMERGENCY CLAUSE

**SECTION 74. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.**

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