

Senate Bill 400

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Office of Public Defense Services)

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**.

Provides that if party filing notice of appeal is involuntarily confined in state or local governmental facility, date of filing of notice and service of copies is date on which party delivers original notice of appeal and appropriate number of copies to person or place designated by facility for handling outgoing mail.

A BILL FOR AN ACT

1
2 Relating to appeals; amending ORS 19.260.

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

4 **SECTION 1.** ORS 19.260 is amended to read:

5 19.260. (1) Filing a notice of appeal in the Court of Appeals or the Supreme Court may be ac-
6 complished by mail. The date of filing such notice shall be the date of mailing, provided it is mailed
7 by registered or certified mail and the party filing the notice has proof from the post office of such
8 mailing date. Proof of mailing shall be certified by the party filing the notice and filed thereafter
9 with the court to which the appeal is taken. If the notice is received by the court on or before the
10 date by which such notice is required to be filed, the party filing the notice is not required to file
11 proof of mailing.

12 (2) Service of notice of appeal on a party, transcript coordinator or the trial court administrator,
13 or service of a petition for judicial review on a party or administrative agency may be accomplished
14 by first class, registered or certified mail. The date of serving such notice shall be the date of
15 mailing. Proof of mailing shall be certified by the party filing the notice and filed thereafter with
16 the court to which the appeal is taken.

17 **(3) Notwithstanding subsections (1) and (2) of this section, if the party filing a notice of**
18 **appeal is involuntarily confined in a state or local governmental facility, the date of filing**
19 **of a notice of appeal in the Court of Appeals or the Supreme Court, and the date of service**
20 **under subsection (2) of this section, is the date on which the party delivers the original no-**
21 **tice of appeal, and the appropriate number of copies of the notice for service under sub-**
22 **section (2) of this section, to the person or place designated by the facility for handling**
23 **outgoing mail.**

24 [(3)] (4) Except as otherwise provided by law, the provisions of [subsections (1) and (2) of] this
25 section are applicable to petitions for judicial review, cross petitions for judicial review and pe-
26 titions under the original jurisdiction of the Supreme Court or Court of Appeals.
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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.