

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

House Committee on Judiciary

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Anna Braun, Counsel

Meeting Dates: 5/8

WHAT THE MEASURE DOES: Allows only one motion to disqualify judge in judicial districts with three or fewer circuit court judges. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 14.260 allows a party or an attorney to make two motions to disqualify a judge if that party or attorney believes that they cannot have a fair and impartial hearing in front of that judge. The motion does not have to be supported but must be made in good faith. Senate Bill 812 reduces the number to one motion for small judicial districts that have three or fewer circuit court judges. Senate Bill 812 was proposed by judges from smaller jurisdictions in an effort to prevent “judge shopping” by attorneys and is intended to save judicial resources.

Senate Judiciary: 5-0-0

4-17(S) | Third reading. Carried by Johnson. Passed. Ayes, 29; excused, 1--Shields.