

**TESTIMONY ON SB 51
BEFORE THE SENATE JUDICIARY COMMITTEE
FEBRUARY 7, 2013**

PRESENTED BY: BRUCE C. MILLER, OFFICE OF THE STATE COURT ADMINISTRATOR

The Oregon Judicial Department requested this bill to address court improvement and efficiencies. The bill is based on suggestions from our employees, judges, and trial court administrators. We include these multiple changes in a single bill to save the time and cost that would be involved in considering these changes in several separate bills.

The bill does the following:

- §1 removes statutory barriers to implementation of rules governing the consolidation of probation violation proceedings pending in multiple courts. The current statute allows the Chief Justice to make such rules, but it also contains requirements and restrictions that have discouraged work by stakeholders on the rules. In addition, the current statute does not contemplate the use of Oregon eCourt Program tools and a person-based management system. This statutory change will allow us to craft rules appropriate for the pending eCourt environment.
- §2 gives the Chief Justice authority to appoint an acting presiding judge from outside the judicial district with the vacancy. This change will allow for rapid appointment of an acting presiding judge. This is especially important in small judicial districts where there may not be a local judge available or willing to fill an empty position. The permanent appointment will be filled by a local judge. We are seeking an amendment to restore a statutory provision on the presiding judge appointment process that the bill deletes.
- §3 deletes a duplicative requirement in certain dissolution cases. ORS 107.095 requires parties to file information by way of affidavit that has already been given to the court in another part of the proceeding. This change removes an unneeded requirement on the parties.
- §§4-7 change the Oregon court reporter certificate renewal period to align with national certification, allow reasonable fees to cover the cost of testing and administration, and add flexibility to advisory committee membership. These changes add convenience for court reporters and the department. The amendment would allow court reporters to use national testing and certification to qualify for certification in Oregon and allow rules to be based on the three-year national cycle. Statutory limits on duration of the certification and the amount that can be charged for testing currently prevent use of the national certification. The proposed fee structure is the same model as the statutory fee structure for certification of court interpreters. Regarding the advisory committee, we have difficulty finding enough official court reporters to fill the mandated slots. The proposed change will allow more freelance reporters to serve on the committee.

- §§8-9 amend two statutes to create flexibility regarding reimbursement of expenses and meeting times for the Judicial Conference.
- §§10-11 amend ORS 133.120 (arrest warrants) and 133.545 (search warrants) to address an issue raised by some circuit court judges. Although all circuit court judges are appointed by the Chief Justice to serve as judges pro tem in all judicial districts, some judges are concerned that they cannot issue arrest and search warrants if they are not physically located in the judicial district where the warrant is needed. The amendments make clear that they have this authority provided the request for the warrant includes an affidavit that a judge from the subject judicial district is not available.
- §§12-13 eliminate obsolete requirements regarding court terms. Section 12 repeals ORS 3.238, which is a holdover from days long past when circuit courts were not open year round. Section 13 is a conforming amendment.
- §14 addresses the use of captions in the bill.
- §15 states that the bill takes effect upon passage.