

**TESTIMONY ON SB 376
BEFORE THE HOUSE JUDICIARY COMMITTEE
APRIL 23, 2015**

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.

SB 376 passed on the Senate floor by a vote of 30-0. It is intended to make non-substantive changes to the law in order to streamline court processes. SB 376 has five components and is not expected to have a fiscal impact:

The bill does the following:

- §1 eliminates the requirement that a petitioner file two extra copies of a petition for post-conviction relief. In the electronic era, these extra copies are unnecessary.
- §2 authorizes the Chief Justice of Supreme Court to adopt rules allowing evidence to be provided to a post-conviction relief court in a manner other than by "attaching" it to the petition. This will allow post-conviction relief petitioners to identify relevant evidence in the court record by referencing the electronic court file.
- §3 eliminates the obligation of a presiding judge to enter an order designating a regular term of court. The amendment recognizes the modern reality that courts are open for business throughout the year, while retaining flexibility for unusual circumstances in multi-county judicial districts.
- §4 authorizes a guardian appointed in a juvenile dependency case to file an annual report with a declaration under penalty of perjury as an alternative to an affidavit. This provision facilitates the electronic filing of guardianship reports and is similar to how guardian reports are filed under the Probate Code. See ORS 125.325.
- §§5-6 eliminate statutory forms in the Elderly Persons and Persons with Disabilities Abuse Prevention Act and direct the State Court Administrator to prescribe the content of these forms. Under current law, the Oregon Judicial Department is required to prescribe the content of other restraining order forms. See ORS 107.718(7) (Family Abuse Prevention Act forms) and ORS 163.777 (Sexual Abuse Restraining Order). The amendments will enable the Judicial Department to maintain consistency across these forms, while efficiently responding to changes in the law and in business processes.
- §7 states that the bill takes effect upon passage.

Thank you for your time and for considering our proposal.