

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Judiciary

**REVENUE: No revenue impact****FISCAL: Fiscal statement issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Channa Newell, Counsel**Meeting Dates:** 5/20

**WHAT THE MEASURE DOES:** Requires Justice of Peace or municipal court judge to hold juris doctor degree or to have completed course on courts of special jurisdiction offered by National Judicial College within 12 months of election or appointment. Provides extension period for completion of course and allows presiding judge to allow completion of equivalent course. Requires judges for courts of record to be member of Oregon State Bar. Requires justice courts and municipal courts to keep a transcript or audio recording of all misdemeanor or felony proceedings for at least 12 months. Declares emergency; effective on passage.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** Proposed (-A14) amendments remove requirement for recording in all misdemeanor or felony proceedings. Provides any party may arrange for audio recording or certified shorthand reporting in any proceeding in open municipal or justice of the peace court. Allows use of recording if all parties and court agree. Specifies cost of recording is on party arranging recording unless otherwise agreed to by parties. Replaces educational option to hold juris doctor degree with option to be member of Oregon State bar. Allows educational equivalence course if proposed by justice of the peace or municipal court judge and approved by Chief Justice of Supreme Court. Specifies person serving as temporary municipal judge must possess qualifications.

**BACKGROUND:** Currently, there are 24 Justices of the Peace in Oregon, found in 21 counties. Justice of the Peace courts are created by county court or county commissioners. Justice courts may hear violations, misdemeanors, and some felonies, as well as civil cases. Municipal courts are created by city charter or ordinance and have jurisdiction over offenses created by the city. Justices of the Peace are not required to be attorneys and the qualifications for municipal court judges are determined by the charter of the city.

House Bill 3399 A requires Justices of the Peace and municipal court judges to hold a juris doctor degree or to complete a course on courts of special jurisdiction offered by the National Judicial College and specifies that judges in courts of records must be members of the Oregon State Bar. Additionally, the measure requires these courts to make and keep audio recording or transcripts of misdemeanor and felony criminal proceedings for a period of 12 months.