

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 3399 - A**

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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Date: 4-22-2015

**Measure Description:**

Requires justice court or municipal court to record criminal proceedings.

**Government Unit(s) Affected:**

Cities, Counties, Judicial Department

**Summary of Expenditure Impact:** See Analysis

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

The measure requires justice courts and municipal courts that are not courts of record to maintain audio recordings or transcripts of misdemeanor or felony criminal proceedings and keep those records for at least one year. The measure stipulates that if a party appeals the case, a copy of the transcript or recording must be filed with the case record. The measure also requires municipal court judges and justices of the peace to possess a Juris Doctor degree, or completed a course on courts of special jurisdiction offered by the National Judicial College, or completed an equivalent educational course. The alternative course must be designated by the presiding judge of the court in which the local court is located. These educational requirements must be completed within one year of appointment or election; however the municipal court judge or justice of the peace may receive a one-time 12-month extension to those requirements if exigent circumstances exist.

There will be costs to those local courts which are not already considered the court of record, to implement and maintain audio recordings or transcripts of criminal proceedings. However, this cost is indeterminate and will depend on the means of implementation and the level of current resources available within each court. There are approximately 150 municipal courts in Oregon and 24 justices of the peace in 21 counties.

The Judicial Department (OJD) notes that around 200 appeals from local courts are filed in circuit court each year and that additional measures would need to be taken to receive and store accompanying audio recordings or transcripts. The cost for these requirements is assumed to be minimal.

The National Judicial College (NJC) course is a 10-day series of courses covering several topics. In addition to the 24 justices of the peace, there are approximately 161 municipal justices in Oregon. The number of justices that may need to attend the course, or an alternative determined by the presiding circuit court judge is indeterminate.