

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 04/20/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 03/31, 04/20

Vote:

Yeas: 6 - Barker, Barton, Greenlick, Krieger, Lininger, Williamson

Nays: 3 - Olson, Post, Sprenger

Prepared By: Channa Newell, Counsel

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:

- Need for a minimum standard for administration of justice
- Need for consistently qualified judges across all courts
- Options for equipping court room with audio recording devices
- Potential conflict with Home Rule authority of cities
- Requirements of measure on attorney judges and non-attorney judges currently in practice

EFFECT OF COMMITTEE AMENDMENT:

Clarifies which course must be completed in lieu of possessing juris doctor degree. Specifies that only misdemeanor or felony criminal proceedings must be recorded. Removes emergency clause and specified operative dates. Offers one-time extension of twelve months in which judge must obtain certificate. Requires justice of peace or municipal court judge to request extension from presiding judge in judicial district in which court is located. Allows presiding judge to require additional educational requirements during extension period. Allows completion of educational equivalent of National Judicial College course. Allows determination of equivalence by presiding judge of judicial district in which court is located.

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.