

STAFF MEASURE SUMMARY

House Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/06/15

Action: Do Pass.

Meeting Dates: 05/06

Vote:

Yeas: 7 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post

Exc: 2 - Sprenger, Williamson

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Authorizes judicial districts with populations between 100,000 and 200,000 to elect which set of timelines apply to motion to disqualify judge. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Provision of measure
- Population changes in Oregon counties

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

ORS 14.250 prohibits a judge from hearing a case when a party does not believe the judge can be fair. ORS 14.260 and 14.270 establishes a process for challenging a judge. There are timelines to make these challenges. ORS 14.260 applies to counties with less than 100,000 people and authorizes ten days to file the motion. ORS 14.270 applies to counties with 100,000 people or more and requires the motion to be made at the time of the judicial assignment. Since this legislation was enacted, certain counties have grown to more than 100,000 people. Deschutes, Linn, Douglas, and Yamhill counties are currently over 100,000.

Senate Bill 350 A allows counties with populations between 100,000 and 200,000 people to elect with which set of timelines their judicial district will comply. It requires the judicial district make the decision by a supplemental local court rule.