

STAFF MEASURE SUMMARY

CARRIER: Sen. Prozanski

Senate Committee On Judiciary

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 06/03/15

Action: Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

Meeting Dates: 05/20, 05/28, 06/03

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Provides any party may arrange for audio recording or certified shorthand reporting in any proceeding in open Municipal or Justice court. Allows use of recording if all parties and court agree. Specifies cost of recording to be paid by party arranging recording unless otherwise agreed to by parties. Requires Justice of Peace or Municipal court judge to be member of Oregon State Bar or to have completed course on courts of special jurisdiction offered by National Judicial College within 12 months of election or appointment. 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 required qualifications. Requires judges for courts of record to be members of Oregon State Bar. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Need for recording in all courts
- Minimal education standards for administration of justice
- Importance of preserving liberty interests
- Costs of training and recording equipment for local courts
- Consensus on provisions of amendments

EFFECT OF COMMITTEE AMENDMENT:

Removes 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 to be paid by 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 3399B allows any party to a proceeding conducted in open court of a Justice court or a Municipal court to arrange for recording of those proceedings. If the parties and the court agree, the recording may be used during the proceedings or may be agreed to as an official record of the proceedings. Additionally, the measure requires Justices of the Peace and

Municipal court judges to be members of the Oregon State Bar or to complete a course on courts of special jurisdiction offered by the National Judicial College.