

**Enrolled**  
**House Bill 2433**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon State Police)

CHAPTER .....

AN ACT

Relating to electronic filing; creating new provisions; amending ORS 133.073 and 153.770; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 133.073 is amended to read:

133.073. (1) Notwithstanding ORS 133.065, a peace officer, following procedures established by court rule, may file a criminal citation with or without a form of complaint with the court by electronic means, without an actual signature of the officer, in lieu of filing a duplicate paper copy of the citation. **A criminal citation filed under this section may be of a different size or format than a uniform citation adopted by the Supreme Court under ORS 1.525.** A peace officer who files a criminal citation under this section is deemed to certify the citation and any complaint included with the citation by that filing and has the same rights, responsibilities and liabilities in relation to the citation and any complaint included with the citation as an officer has in relation to citations and complaints that are filed with the court in paper form and are certified by actual signature.

(2) A court may allow electronic filing of criminal citations as described under subsection (1) of this section. Procedures established to allow electronic filing of criminal citations under this section shall be established by court rule and shall include procedures necessary to ensure that:

(a) An electronically filed criminal citation with or without a form of complaint includes all information required on a uniform citation adopted by the Supreme Court under ORS 1.525. **However, an electronically filed criminal citation containing all required information, but of a different size or format than a uniform citation adopted by the Supreme Court under ORS 1.525, shall not be prohibited by or found in violation of a rule established under this subsection.**

(b) An electronically filed criminal citation with or without a form of complaint is verifiable as being filed by a specific peace officer.

(c) Members of the public can obtain copies of and review a criminal citation with or without a form of complaint that is electronically filed and maintained under this section in the same manner as the manner used for those filed on paper.

(3) For a criminal citation with a form of complaint issued under ORS 133.069, the district attorney's review required by ORS 133.069 and, if necessary, amendments for legal sufficiency, must be completed before the electronic filing of the citation with the form of complaint is made with a court under this section.

**SECTION 2.** ORS 153.770 is amended to read:

153.770. (1) Notwithstanding ORS 1.525, 153.045, 221.333 and 810.425, a law enforcement officer or a person authorized to enforce parking ordinance violations, following procedures established by court rule, may file a [complaint] citation with the court by electronic means, without an actual signature of the officer, in lieu of using a written uniform citation. **A citation filed under this section may be of a different size or format than a uniform citation adopted by the Supreme Court under ORS 1.525.** Law enforcement officers who file [complaints] citations under this section will be deemed to certify to the complaint and will continue to have the same rights, responsibilities and liabilities in relation to those [complaints] citations as to citations with complaints that are certified by an actual signature.

(2) A court may allow electronic filing of [complaints] citations as described under subsection (1) of this section. Procedures established to allow electronic filing of [complaints] citations under this section shall be established by court rule and shall include procedures necessary to ensure that:

(a) The information electronically filed includes all information required on a uniform citation adopted by the Supreme Court under ORS 1.525, or as required under ORS 221.333 and 810.425 for parking ordinance violations. **However, an electronically filed citation containing all required information, but of a different size or format than a uniform citation adopted by the Supreme Court under ORS 1.525, shall not be prohibited by or found in violation of a rule established under this subsection.**

(b) The [complaint] citation filed electronically is verifiable as being filed by a specific law enforcement officer or, for parking ordinance violations, by a person authorized to enforce parking ordinance violations.

(c) Members of the public can obtain copies of and review [complaints] citations that are electronically filed and maintained under this section in the same manner as for [complaints] citations filed on paper.

**SECTION 3. The amendments to ORS 133.073 and 153.770 by sections 1 and 2 of this 2015 Act apply to proceedings initiated before, on or after the effective date of this 2015 Act.**

**SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

Passed by House February 16, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 12, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State