

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that electronically filed criminal citation may be of different format or size than uniform citation.

Authorizes law enforcement officers to electronically file violation citations and authorizes court to allow electronically filed violation citations. Provides that electronically filed violation citation may be of different format or size than uniform citation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to electronic filing; creating new provisions; amending ORS 133.073 and 153.770; and de-
3 claring an emergency.

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

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

6 133.073. (1) Notwithstanding ORS 133.065, a peace officer, following procedures established by
7 court rule, may file a criminal citation with or without a form of complaint with the court by elec-
8 tronic means, without an actual signature of the officer, in lieu of filing a duplicate paper copy of
9 the citation. **A criminal citation filed under this section may be of a different size or format**
10 **than a uniform citation adopted by the Supreme Court under ORS 1.525.** A peace officer who
11 files a criminal citation under this section is deemed to certify the citation and any complaint in-
12 cluded with the citation by that filing and has the same rights, responsibilities and liabilities in re-
13 lation to the citation and any complaint included with the citation as an officer has in relation to
14 citations and complaints that are filed with the court in paper form and are certified by actual sig-
15 nature.

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

6 153.770. (1) Notwithstanding ORS 1.525, 153.045, 221.333 and 810.425, a law enforcement officer
 7 or a person authorized to enforce parking ordinance violations, following procedures established by
 8 court rule, may file a [*complaint*] **citation** with the court by electronic means, without an actual
 9 signature of the officer, in lieu of using a written uniform citation. **A citation filed under this**
 10 **section may be of a different size or format than a uniform citation adopted by the Supreme**
 11 **Court under ORS 1.525.** Law enforcement officers who file [*complaints*] **citations** under this section
 12 will be deemed to certify to the complaint and will continue to have the same rights, responsibilities
 13 and liabilities in relation to those [*complaints*] **citations** as to **citations with** complaints that are
 14 certified by an actual signature.

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

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

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

27 (c) Members of the public can obtain copies of and review [*complaints*] **citations** that are elec-
 28 tronically filed and maintained under this section in the same manner as for [*complaints*] **citations**
 29 filed on paper.

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

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

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