

Enrolled
House Bill 3399

Sponsored by Representatives NATHANSON, SMITH, BUCKLEY; Representatives BARNHART, FREDERICK

CHAPTER

AN ACT

Relating to standards required of local courts; creating new provisions; and amending ORS 51.240 and 53.090.

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

RECORDING OF CRIMINAL PROCEEDINGS

SECTION 1. (1) In any proceeding conducted in open court in a justice court, any party may arrange for audio recording or reporting of the proceeding by stenographic means. The court may not prohibit recording or reporting of the proceeding under this section.

(2) A reporter providing stenographic reporting services under this section must be certified in shorthand reporting under ORS 8.415 to 8.455 or by a nationally recognized certification program. A party arranging for reporting of the proceeding by stenographic means must provide the court with the name of the reporter and an address and telephone number where the reporter may be contacted.

(3) If all parties to the proceeding and the court agree, the audio recording or stenographic reporting of the proceeding arranged under this section may be used by the parties during the proceeding.

(4) If all parties to the proceeding and the court agree, the audio recording or stenographic reporting of the proceeding arranged under this section is the official record of the proceeding.

(5) Unless other parties agree to pay all or part of the cost of the audio recording or stenographic reporting of the proceeding, the party arranging for the recording or reporting must pay all costs of the recording or reporting.

SECTION 2. ORS 53.090 is amended to read:

53.090. Within 30 days next following the allowance of the appeal, the appellant must cause to be filed with the clerk of the appellate court a transcript of the cause. The transcript must contain a copy of all the material entries in the justice docket relating to the cause or the appeal **and any transcript or audio record made under section 1 of this 2015 Act**, and must have annexed thereto all the original papers relating to the cause or the appeal and filed with the justice. Upon the filing of the transcript with the clerk of the appellate court, the appeal is perfected. Thenceforth the action shall be deemed pending and for trial therein as if originally commenced in such court, and the court shall have jurisdiction of the cause and shall proceed to hear, determine and try it anew, disregarding any irregularity or imperfection in matters of form which may have occurred in

the proceedings in the justice court. If the transcript and papers are not filed with the clerk of the appellate court within the time provided, the appellate court, or the judge thereof, may by order extend the time for filing the same upon such terms as the court or judge may deem just. However, such order shall be made within the time allowed to file the transcript.

SECTION 3. Section 4 of this 2015 Act is added to and made a part of ORS chapter 221.

SECTION 4. (1) In any proceeding conducted in open court in a municipal court, any party may arrange for audio recording or reporting of the proceeding by stenographic means. The court may not prohibit recording or reporting of the proceeding under this section.

(2) A reporter providing stenographic reporting services under this section must be certified in shorthand reporting under ORS 8.415 to 8.455 or by a nationally recognized certification program. A party arranging for reporting of the proceeding by stenographic means must provide the court with the name of the reporter and an address and telephone number where the reporter may be contacted.

(3) If all parties to the proceeding and the court agree, the audio recording or stenographic reporting of the proceeding arranged under this section may be used by the parties during the proceeding.

(4) If all parties to the proceeding and the court agree, the audio recording or stenographic reporting of the proceeding arranged under this section is the official record of the proceeding.

(5) Unless other parties agree to pay all or part of the cost of the audio recording or stenographic reporting of the proceeding, the party arranging for the recording or reporting must pay all costs of the recording or reporting.

SECTION 5. Sections 1 and 4 of this 2015 Act and the amendments to ORS 53.090 by section 2 of this 2015 Act apply only to proceedings occurring in a justice court or municipal court on or after the effective date of this 2015 Act.

QUALIFICATIONS OF JUDGES

SECTION 6. ORS 51.240 is amended to read:

51.240. (1) *[A person shall not be eligible to the office of justice of the peace unless the person is]*

As a qualification for the office:

(a) **A justice of the peace must be** a citizen of the United States and a resident of this state.

[(2)] (b) *[Each]* **A justice of the peace [shall] must** be a resident of or have a principal office in the justice of the peace district in which the justice court is located. For purposes of this *[subsection]* **paragraph**, a “principal office” *[shall be]* **is** the primary location from which a person conducts the person’s business or profession.

[(3)] (c) **A justice of the peace must have maintained** the residence within this state required by *[subsection (1) of this section shall have been maintained]* **paragraph (b) of this subsection** for at least three years, *[and]* **immediately prior to appointment or becoming a candidate for election to the office of justice of the peace.**

(d) **A justice of the peace must have maintained** the residence or principal office required by *[subsection (2) of this section shall have been maintained]* **paragraph (b) of this subsection** for at least one year, *[and]* immediately prior to appointment or becoming a candidate for election to the office of justice of the peace.

(e) **A justice of the peace must:**

(A) **Be a member of the Oregon State Bar;**

(B) **Have completed a course on courts of special jurisdiction offered by the National Judicial College, or complete the course within 12 months after appointment or election to the office of justice of the peace; or**

(C) **Have completed, or complete within 12 months after appointment or election to the office of justice of the peace, a course that is equivalent to the course described in subpar-**

agraph (B) of this paragraph, proposed by the justice of the peace and approved by the Chief Justice of the Supreme Court.

(2) If exigent circumstances prevent a justice of the peace from completing the course required under subsection (1)(e)(B) of this section within 12 months after appointment or election to the office of justice of the peace, the presiding judge of the judicial district in which the justice court is located may grant the justice of the peace one extension of time to complete the course. The extension may not exceed 12 months. The presiding judge may require the justice of the peace to complete additional educational requirements during an extension granted under this subsection.

(3) Notwithstanding subsection (1)(e) of this section, a justice of the peace in a justice court that is a court of record under ORS 51.025 must be a member of the Oregon State Bar.

SECTION 7. Section 8 of this 2015 Act is added to and made a part of ORS chapter 221.

SECTION 8. (1) As a qualification for the office, a municipal judge must:

(a) Be a member of the Oregon State Bar;

(b) Have completed a course on courts of special jurisdiction offered by the National Judicial College, or complete the course within 12 months after appointment or election to the office of municipal judge; or

(c) Have completed, or complete within 12 months after appointment or election to the office of municipal judge, a course that is equivalent to the course described in paragraph (b) of this subsection, proposed by the municipal judge and approved by the Chief Justice of the Supreme Court.

(2) If exigent circumstances prevent a municipal judge from completing the course required under subsection (1)(b) of this section within 12 months after appointment or election to the office of municipal judge, the presiding judge of the judicial district in which the municipal court is located may grant the municipal judge one extension of time to complete the course. The extension may not exceed 12 months. The presiding judge may require the municipal judge to complete additional educational requirements during an extension granted under this subsection.

(3) Notwithstanding subsection (1) of this section, a municipal judge in a municipal court that is a court of record under ORS 221.342 must be a member of the Oregon State Bar.

(4) Any person serving temporarily as a municipal judge must possess the qualifications for the office of municipal judge described in this section.

SECTION 9. Section 8 of this 2015 Act and the amendments to ORS 51.240 by section 6 of this 2015 Act apply only to justices of the peace and municipal judges appointed, elected or reelected on or after the effective date of this 2015 Act.

CAPTIONS

SECTION 10. The unit captions used in this 2015 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2015 Act.

Passed by House May 5, 2015

Repassed by House June 11, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 9, 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