

A-Engrossed
House Bill 3399

Ordered by the House April 27
Including House Amendments dated April 27

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

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.

Requires justice court or municipal court to record criminal proceedings.
Requires justices of peace and municipal judges to possess [*Juris Doctor degree or Certificate in Judicial Development from National Judicial College*] **certain educational credentials.**
[Declares emergency, effective on passage.]

A BILL FOR AN ACT

1
2 Relating to standards required of local courts; creating new provisions; and amending ORS 51.240
3 and 53.090.

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

5
6 **RECORDING OF CRIMINAL PROCEEDINGS**

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8 **SECTION 1. A justice court shall keep a transcript or audio record of all misdemeanor**
9 **or felony criminal proceedings. The court shall retain the record for at least 12 months.**

10 **SECTION 2.** ORS 53.090 is amended to read:

11 53.090. Within 30 days next following the allowance of the appeal, the appellant must cause to
12 be filed with the clerk of the appellate court a transcript of the cause. The transcript must contain
13 a copy of all the material entries in the justice docket relating to the cause or the appeal **and the**
14 **transcript or audio record made under section 1 of this 2015 Act**, and must have annexed
15 thereto all the original papers relating to the cause or the appeal and filed with the justice. Upon
16 the filing of the transcript with the clerk of the appellate court, the appeal is perfected. Thenceforth
17 the action shall be deemed pending and for trial therein as if originally commenced in such court,
18 and the court shall have jurisdiction of the cause and shall proceed to hear, determine and try it
19 anew, disregarding any irregularity or imperfection in matters of form which may have occurred in
20 the proceedings in the justice court. If the transcript and papers are not filed with the clerk of the
21 appellate court within the time provided, the appellate court, or the judge thereof, may by order
22 extend the time for filing the same upon such terms as the court or judge may deem just. However,
23 such order shall be made within the time allowed to file the transcript.

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

25 **SECTION 4. A municipal court shall keep a transcript or audio record of all misdemeanor**
26 **or felony criminal proceedings. The court shall retain the record for at least 12 months.**

27 **SECTION 5. Sections 1 and 4 of this 2015 Act and the amendments to ORS 53.090 by**

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 section 2 of this 2015 Act apply only to misdemeanor and felony criminal proceedings occur-
2 ring in a justice court or municipal court on or after the effective date of this 2015 Act.

3
4 **QUALIFICATIONS OF JUDGES**

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6 **SECTION 6.** ORS 51.240 is amended to read:

7 51.240. (1) *[A person shall not be eligible to the office of justice of the peace unless the person is]*

8 **As a qualification for the office:**

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

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

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

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

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

23 **(A) Possess a Juris Doctor degree;**

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

27 **(C) Have completed, or complete within 12 months after appointment or election to the**
28 **office of justice of the peace, education equivalent to the course described in subparagraph**
29 **(B) of this paragraph, as determined by the presiding judge of the judicial district in which**
30 **the justice court is located.**

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

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

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

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

42 **(a) Possess a Juris Doctor degree;**

43 **(b) Have completed a course on courts of special jurisdiction offered by the National Ju-**
44 **dicial College, or complete the course within 12 months after appointment or election to the**
45 **office of municipal judge; or**

