

# House Bill 3399

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 **as introduced**.

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.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

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

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

## RECORDING OF CRIMINAL PROCEEDINGS

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

27 **SECTION 5. (1) Sections 1 and 4 of this 2015 Act and the amendments to ORS 53.090 by**  
28 **section 2 of this 2015 Act become operative on \_\_\_\_\_.**

29 **(2) A justice court or municipal court may take any action before the operative date**  
30 **specified in subsection (1) of this section to enable the court to exercise, on and after the**

**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 operative date specified in subsection (1) of this section, all the duties, functions and powers  
 2 conferred on the court by sections 1 and 4 of this 2015 Act and the amendments to ORS  
 3 53.090 by section 2 of this 2015 Act.

4 (3) Sections 1 and 4 of this 2015 Act and the amendments to ORS 53.090 by section 2 of  
 5 this 2015 Act apply only to criminal proceedings occurring in a justice court or municipal  
 6 court on or after the operative date specified in subsection (1) of this section.

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 8 **QUALIFICATIONS OF JUDGES**  
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10 **SECTION 6.** ORS 51.240 is amended to read:

11 51.240. (1) *[A person shall not be eligible to the office of justice of the peace unless the person is]*

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

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

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

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

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

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

27 (A) **Possess a Juris Doctor degree; or**

28 (B) **Possess a Certificate in Judicial Development in the area of General Jurisdiction Trial**  
 29 **Skills from the National Judicial College, or obtain the certificate within 12 months after**  
 30 **appointment or election to the office of municipal judge.**

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

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

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

35 (a) **Possess a Juris Doctor degree; or**

36 (b) **Possess a Certificate in Judicial Development in the area of General Jurisdiction Trial**  
 37 **Skills from the National Judicial College, or obtain the certificate within 12 months after**  
 38 **appointment or election to the office of municipal judge.**

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

41 **SECTION 9.** (1) Section 8 of this 2015 Act and the amendments to ORS 51.240 by section  
 42 **6 of this 2015 Act become operative on\_\_\_\_\_.**

43 (2) Section 8 of this 2015 Act and the amendments to ORS 51.240 by section 6 of this 2015  
 44 Act apply to justices of the peace and municipal judges appointed or elected before, on or  
 45 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.

EMERGENCY CLAUSE

**SECTION 11.** 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.

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