

A-Engrossed
Senate Bill 350

Ordered by the Senate April 13
Including Senate Amendments dated April 13

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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 that two Multnomah County judges hold court in City of Gresham.]
Modifies provisions relating to motions for change of judge.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to courts; amending ORS 14.260; and declaring an emergency.

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

SECTION 1. ORS 14.260 is amended to read:

14.260. (1) Any party to or any attorney appearing in any cause, matter or proceeding in a circuit court may establish the belief described in ORS 14.250 by motion supported by affidavit that *[such]* **the** party or attorney believes that *[such]* **the** party or attorney cannot have a fair and impartial trial or hearing before *[such]* **the** judge, and that it is made in good faith and not for the purpose of delay. No specific grounds for the belief need be alleged. *[Such]* **The** motion shall be allowed unless the judge moved against, or the presiding judge for the judicial district, challenges the good faith of the affiant and sets forth the basis of *[such]* **the** challenge. In the event of *[such]* **a** challenge, a hearing shall be held before a disinterested judge. The burden of proof *[shall be]* **is** on the challenging judge to establish that the motion was made in bad faith or for the purposes of delay.

(2) The affidavit shall be filed with *[such]* **the** motion at any time prior to final determination of *[such]* **the** cause, matter or proceedings in uncontested cases, and in contested cases before or within five days after *[such]* **the** cause, matter or proceeding is at issue upon a question of fact or within 10 days after the assignment, appointment and qualification or election and assumption of office of another judge to preside over *[such]* **the** cause, matter or proceeding.

(3) *[No]* **A** motion to disqualify a judge *[shall]* **may not** be made after the judge has ruled upon any petition, demurrer or motion other than a motion to extend time in the cause, matter or proceeding. *[No]* **A** motion to disqualify a judge or a judge pro tem, assigned by the Chief Justice of the Supreme Court to serve in a county other than the county in which the judge or judge pro tem resides *[shall]* **may not** be filed more than five days after the party or attorney appearing in the cause receives notice of the assignment.

(4) In judicial districts having a population of *[100,000]* **200,000** or more, the affidavit and motion

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 for change of judge shall be made at the time and in the manner prescribed in ORS 14.270.

2 **(5) In judicial districts having a population of 100,000 or more, but less than 200,000, the**
3 **affidavit and motion for change of judge shall be made at the time and in the manner pre-**
4 **scribed in ORS 14.270 unless the circuit court makes local rules under ORS 3.220 adopting**
5 **the procedure described in this section.**

6 [(5)] (6) [No] A party or attorney [*shall be permitted to*] **may not** make more than two applica-
7 tions in any cause, matter or proceeding under this section.

8 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
9 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
10 **on its passage.**

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