

Enrolled
Senate Bill 350

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CHAPTER

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

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

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

SECTION 2. 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.

Passed by Senate April 15, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 27, 2015

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Tina Kotek, Speaker of House

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