

SENATE AMENDMENTS TO SENATE BILL 350

By COMMITTEE ON JUDICIARY

April 13

1 In line 2 of the printed bill, delete “3.014” and insert “14.260; and declaring an emergency”.

2 Delete lines 4 through 18 and insert:

3 “**SECTION 1.** ORS 14.260 is amended to read:

4 “14.260. (1) Any party to or any attorney appearing in any cause, matter or proceeding in a
5 circuit court may establish the belief described in ORS 14.250 by motion supported by affidavit that
6 [such] **the** party or attorney believes that [such] **the** party or attorney cannot have a fair and im-
7 partial trial or hearing before [such] **the** judge, and that it is made in good faith and not for the
8 purpose of delay. No specific grounds for the belief need be alleged. [Such] **The** motion shall be al-
9 lowed unless the judge moved against, or the presiding judge for the judicial district, challenges the
10 good faith of the affiant and sets forth the basis of [such] **the** challenge. In the event of [such] **a**
11 challenge, a hearing shall be held before a disinterested judge. The burden of proof [shall be] **is** on
12 the challenging judge to establish that the motion was made in bad faith or for the purposes of de-
13 lay.

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

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

25 “(4) In judicial districts having a population of [100,000] **200,000** or more, the affidavit and mo-
26 tion for change of judge shall be made at the time and in the manner prescribed in ORS 14.270.

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

31 “[5] (6) [No] **A** party or attorney [shall be permitted to] **may not** make more than two appli-
32 cations in any cause, matter or proceeding under this section.

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

