

Senate Bill 889

Sponsored by Senator ROSENBAUM (at the request of Charles Hinkle)

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**.

Allows person to file motion or petition seeking to assert right of public access to court document or proceeding.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to access to courts; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 3 of this 2015 Act:

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5 (1) "Court" means the Supreme Court, the Court of Appeals, the Oregon Tax Court, a
6 circuit court, a justice court, a municipal court, a county court when engaged in judicial
7 functions and any other court created by the Oregon Constitution or by statute.

8 (2) "Court document" includes, but is not limited to:

9 (a) A calendar, docket or other document showing the schedule of cases to be heard by
10 a court;

11 (b) An order, judgment or written document of any kind issued by a court in an action
12 or proceeding; or

13 (c) Any document or exhibit filed with or submitted to a court in an action or proceeding,
14 including documents and exhibits filed or submitted before, during or after a trial or hearing.

15 (3) "Right of public access" means a right:

16 (a) To inspect or obtain a copy of a court document.

17 (b) To attend a court proceeding.

18 (c) To obtain a copy of a transcript or electronic recording of a court proceeding.

19 **SECTION 2.** (1) Any person who seeks to assert a right of public access to a court doc-
20 ument, to a court proceeding or to a transcript or electronic recording of a court proceeding
21 may file a motion under this section in the case in which the document has been issued, filed
22 or entered or to which it has been submitted, or in which the court proceeding occurred.

23 (2) A person who seeks to assert a right of public access to a calendar, docket or other
24 document showing the schedule of cases to be heard by the court, or to another document
25 for which there is no pending case, may file a petition under this section in the court to
26 which the document pertains.

27 (3) A court in which a motion or petition is filed under this section shall grant or deny
28 the motion or petition on an expedited basis.

29 **SECTION 3.** (1) Any person aggrieved by an order granting or denying a motion or peti-
30 tion filed under section 2 of this 2015 Act, including the person who filed the motion or pe-
31 tion and any person who appeared in opposition to the motion or petition, may appeal or

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 seek review of the order as provided in this section.

2 (2) If the order was entered in a circuit court, a person may appeal the order in the same
3 manner and within the same time as an appeal from a judgment in a civil action.

4 (3) If the order was entered in a county court, a person may appeal the order as provided
5 in ORS 5.120.

6 (4) If the order was entered in a justice court, a person may appeal the order as provided
7 in ORS chapter 53. The monetary limits on appeals provided in ORS 53.010 do not apply to
8 an appeal under this section.

9 (5) If the order was entered in a municipal court, a person may appeal the order as pro-
10 vided in ORS 138.057 and 221.359.

11 (6) If the order was entered in the Oregon Tax Court, a person may appeal the order as
12 provided in ORS 305.445.

13 (7) If the order was entered in the Court of Appeals, a person may petition the Supreme
14 Court to review the order as provided in ORS 2.520.

15 (8) A court reviewing an order or hearing an appeal of an order under this section shall
16 give expedited consideration to the review.

17 **SECTION 4.** This 2015 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
19 on its passage.
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