

**PROPOSED AMENDMENTS TO
HOUSE BILL 2336**

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 5 and insert:

3 **“SECTION 1.** ORS 19.260 is amended to read:

4 “19.260. (1)(a) Filing a notice of appeal in the Court of Appeals or the
5 Supreme Court may be accomplished by mail **or delivery. Regardless of the**
6 **date of actual receipt by the court to which the appeal is taken, the**
7 date of filing [*such notice shall be*] **the notice is** the date of mailing[, *pro-*
8 *vided it*] **or dispatch for delivery, if the notice is:**

9 “(A) Mailed by registered or certified mail and the party filing the notice
10 has proof from the [*post office*] **United States Postal Service** of [*such*] **the**
11 mailing date[.]; **or**

12 “(B) Mailed or dispatched via the United States Postal Service or a
13 **commercial delivery service by a class of delivery calculated to achieve**
14 **delivery within three calendar days, and the party filing the notice has**
15 **proof from the United States Postal Service or the commercial delivery**
16 **service of the mailing or dispatch date.**

17 “(b) Proof of **the date of mailing** [*shall*] **or dispatch under this sub-**
18 **section must** be certified by the party filing the notice and filed thereafter
19 with the court to which the appeal is taken. **Any record of mailing or**
20 **dispatch from the United States Postal Service or the commercial de-**
21 **livery service showing the date that the party initiated mailing or**
22 **dispatch is sufficient proof of the date of mailing or dispatch.** If the

1 notice is received by the court on or before the date by which [*such*] **the**
2 notice is required to be filed, the party filing the notice is not required to
3 file proof of mailing **or dispatch**.

4 “(2)(a) Service of notice of appeal on a party, transcript coordinator or
5 the trial court administrator, or service of a petition for judicial review on
6 a party or administrative agency may be accomplished by:

7 “(A) First class, registered or certified mail[.]; **or**

8 “(B) **Mail or dispatch for delivery via the United States Postal Ser-**
9 **vice or a commercial delivery service by a class of delivery calculated**
10 **to achieve delivery within three calendar days.**

11 “(b) The date of serving [*such notice shall be*] **the notice under this**
12 **subsection is** the date of mailing **or dispatch**. [*Proof of mailing shall be*
13 *certified by the party filing the notice and filed thereafter with the court to*
14 *which the appeal is taken.*] **The party filing the notice must certify the**
15 **date and method of service.**

16 “(3) Notwithstanding subsections (1) and (2) of this section, if the party
17 filing a notice of appeal is involuntarily confined in a state or local gov-
18 ernmental facility, the date of filing of a notice of appeal in the Court of
19 Appeals or the Supreme Court, and the date of service under subsection (2)
20 of this section, is the date on which the party delivers the original notice
21 of appeal, and the appropriate number of copies of the notice for service
22 under subsection (2) of this section, to the person or place designated by the
23 facility for handling outgoing mail.

24 “(4) Except as otherwise provided by law, the provisions of this section
25 are applicable to petitions for judicial review, cross petitions for judicial
26 review and petitions under the original jurisdiction of the Supreme Court
27 or Court of Appeals.”.

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