

**PROPOSED AMENDMENTS TO
SENATE BILL 350**

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

3 Delete lines 4 through 18 and insert:

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

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

17 “(2) The affidavit shall be filed with [*such*] **the** motion at any time prior
18 to final determination of [*such*] **the** cause, matter or proceedings in uncon-
19 tested cases, and in contested cases before or within five days after [*such*]
20 **the** cause, matter or proceeding is at issue upon a question of fact or within
21 10 days after the assignment, appointment and qualification or election and
22 assumption of office of another judge to preside over [*such*] **the** cause, matter

1 or proceeding.

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

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

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

18 “[5] (6) [No] A party or attorney [shall be permitted to] **may not** make
19 more than two applications in any cause, matter or proceeding under this
20 section.

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

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