

**TESTIMONY ON SB 489
ELECTRONIC COURT OPERATIONS
BEFORE THE HOUSE JUDICIARY COMMITTEE
APRIL 27, 2017**

PRESENTED BY: BRUCE C. MILLER, OFFICE OF THE STATE COURT ADMINISTRATOR

SB 489 is intended to make non-substantive changes to various statutes so that they are more compatible with electronic court operations. This past summer, we completed implementation of the Oregon eCourt Program in the circuit courts statewide. During the process of implementation, we identified statutes that worked well in a paper environment, but that do not work well in an electronic environment. We include these multiple changes in a single bill to save the time and cost that would be involved in considering these changes in several separate bills. SB 489 does not have a fiscal impact and addresses three areas:

- Remedial Contempt (§§1-2)
Current statute requires that a motion to initiate a remedial contempt proceeding must be filed in the related proceeding, if one exists. This presents a challenge in the Oregon eCourt case management system. SB 489 would require a motion to be filed in accordance with rules adopted by the Oregon Supreme Court. The court currently has general rule-making authority for contempt proceedings under ORS 33.145. Those rules reside in Uniform Trial Court Rules chapter 19. This change will allow the court to craft a solution to meet current technological challenges in this area, and to make adjustments as the technology changes.
- Transfer of Court Documents (§§3-25)
A variety of statutes require a circuit court to copy and transfer paper court documents to another circuit court. This requirement is inefficient and no longer needed as these documents are available electronically to all of the circuit courts. It is replaced with a notice requirement. SB 489 addresses this issue for:
 - auxiliary courts in certain family law cases
 - change of venue or transfer of cases in general civil, probate, criminal, juvenile dependency, and juvenile delinquency cases
 - judgement enforcement
 - filing of reports in fitness to proceed cases
- Residential Forcible Entry and Wrongful Detainer (FED) (§§26-27)
The electronic filing process for an FED summons results in differences in appearance between the summons served on a tenant by a landlord and the summons created by a court clerk as the court's copy. As an example, the summons served includes the landlord's signature, but the court's copy does not. The landlord may use a form that looks slightly different from the Odyssey generated form used by the court. The landlord may add the hearing information to the summons that is served and the court may add it to the court's form, contributing to a different appearance. SB 489 would allow for these variations by removing the "true copy" requirement from the applicable statutes and so allowing the parties and the court to benefit from the efficiency and convenience of electronic filing. The Oregon Law Center reviewed this and had no objection.

The bill includes an emergency clause so that we can implement these non-substantive, business process changes quickly to address confusion in remedial contempt cases and to take advantage of electronic court efficiencies in FED cases.

The bill passed out of the Senate Committee on Judiciary without objection or amendment and passed on the Senate floor 25-4.