

House Bill 2241

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Chief Justice Martha L. Walters for Judicial Department)

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**.

Authorizes Chief Justice of the Supreme Court to impose fees on public bodies for use of certain electronic court services.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to state court technology fees; creating new provisions; amending ORS 1.002 and 1.012; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 1.002 is amended to read:

6 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-
7 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court
8 and the administrative head of the judicial department of government in this state. The Chief Justice
9 shall exercise administrative authority and supervision over the courts of this state consistent with
10 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate
11 exercise of that administrative authority and supervision, may:

12 (a) Make rules and issue orders appropriate to that exercise.

13 (b) Require appropriate reports from the judges, other officers and employees of the courts of
14 this state and municipal courts.

15 (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or
16 reassign on a temporary basis all judges of the courts of this state to serve in designated locations
17 within or without the county or judicial district for which the judge was elected.

18 (d) Set staffing levels for all courts of the state operating under the Judicial Department and for
19 all operations in the Judicial Department.

20 (e) Establish time standards for disposition of cases.

21 (f) Establish budgets for the Judicial Department and all courts operating under the Judicial
22 Department.

23 (g) Assign or reassign all court staff of courts operating under the Judicial Department.

24 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish
25 personnel rules and policies for judges of courts operating under the Judicial Department.

26 (i) Establish procedures for closing courts in emergencies.

27 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS
28 174.120 and other rules and laws that refer to periods of time when courts are closed.

29 (k) Take any other action appropriate to the exercise of the powers specified in this section and
30 other law, and appropriate to the exercise of administrative authority and supervision by the Chief

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 Justice over the courts of this state.

2 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-
3 cluding but not limited to rules relating to any of the following:

4 (a) Applications based on the use of the Internet and other similar technologies.

5 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu
6 of the original paper copy, for any record of the courts maintained under ORS 7.095 and for any
7 document, process or paper that is served, delivered, received, filed, entered or retained in any
8 action or proceeding.

9 (c) The use of electronic signatures or another form of identification for any document, process
10 or paper that is required by any law or rule to be signed and that is:

11 (A) Served, delivered, received, filed, entered or retained in any action or proceeding; or

12 (B) Maintained under ORS 7.095.

13 (d) The use of electronic transmission for:

14 (A) Serving documents in an action or proceeding, other than a summons or an initial complaint
15 or petition;

16 (B) Filing documents with a court; and

17 (C) Providing certified electronic copies of court documents and other Judicial Department re-
18 cords to another person or public body.

19 (e) Payment of statutory or court-ordered monetary obligations through electronic media.

20 (f) Electronic storage of court documents.

21 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,
22 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333
23 or 810.425.

24 (h) Public access through electronic means to court documents that are required or authorized
25 to be made available to the public by law.

26 (i) Transmission of open court proceedings through electronic media.

27 (j) Electronic transmission and electronic signature on documents relating to circuit court jurors
28 under ORS 10.025.

29 (3) The Chief Justice may make rules relating to the data that state courts may require parties
30 and other persons to submit for the purpose of distinguishing particular persons from other persons.
31 If the rules require the submission of data that state or federal law does not require that the courts
32 make public, the rules may also require courts to keep the data confidential and not release the data
33 except pursuant to a court order issued for good cause shown. Data that is made confidential under
34 the rules is not subject to disclosure under ORS 192.311 to 192.478.

35 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent
36 with the laws governing courts and court procedures, but any person who serves, delivers, receives,
37 files, enters or retains an electronic document, or an electronic image of a paper document in lieu
38 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection
39 (2) of this section shall be considered to have complied with any rule or law governing service, de-
40 livery, reception, filing, entry or retention of a paper document.

41 (5) Rules made and orders issued by the Chief Justice under this section shall permit as much
42 variation and flexibility in the administration of the courts of this state as are appropriate to the
43 most efficient manner of administering each court, considering the particular needs and circum-
44 stances of the court, and consistent with the sound and efficient administration of the judicial de-
45 partment of government in this state.

1 (6)(a) The Chief Justice may establish reasonable fees for the use of the Oregon Judicial Case
 2 Information Network, including fees for electronic access to documents.

3 (b)(A) Before permanently adopting or increasing fees under this subsection, the Chief Justice
 4 shall provide notice to interested persons and allow a reasonable opportunity for comment.

5 (B) Before temporarily adopting or increasing fees under this subsection, the Chief Justice shall
 6 provide notice to interested persons.

7 (C) The Chief Justice shall by order establish a process for notice and comment under this
 8 paragraph.

9 (c) Fees adopted under this subsection must be reasonably calculated to recover or offset costs
 10 of developing, maintaining, supporting or providing access to or use of state court electronic appli-
 11 cations and systems.

12 **(d) Fees adopted under this subsection may be charged to a public body as defined in ORS**
 13 **174.109.**

14 (7) The judges, other officers and employees of the courts of this state shall comply with rules
 15 made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge
 16 thereof, relating to the conduct of the business of the court shall be consistent with applicable rules
 17 made and orders issued by the Chief Justice.

18 (8) The Chief Judge of the Court of Appeals and the presiding judge of each judicial district of
 19 this state are the administrative heads of their respective courts. They are responsible and ac-
 20 countable to the Chief Justice of the Supreme Court in the exercise of their administrative authority
 21 and supervision over their respective courts. Other judges of the Court of Appeals or court under
 22 a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and to the
 23 Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of admin-
 24 istrative authority and supervision.

25 (9) The Chief Justice may delegate the exercise of any of the powers specified by this section
 26 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers
 27 specified by this section to the State Court Administrator, as may be appropriate.

28 (10) This section applies to justices of the peace and the justice courts of this state solely for
 29 the purpose of disciplining of justices of the peace and for the purpose of continuing legal education
 30 of justices of the peace.

31 **SECTION 2. Notwithstanding ORS 21.259, the Chief Justice of the Supreme Court may**
 32 **impose reasonable fees on a public body, as defined in ORS 174.109, for the cost of providing**
 33 **electronic filing services. Fees collected under this section shall be deposited in the State**
 34 **Court Technology Fund established in ORS 1.012.**

35 **SECTION 3.** ORS 1.012 is amended to read:

36 1.012. (1) The State Court Technology Fund is established in the State Treasury, separate and
 37 distinct from the General Fund. Interest earned by the State Court Technology Fund shall be
 38 credited to the fund.

39 (2) All fees received on and after July 1, 2013, for the use of the Oregon Judicial Case Infor-
 40 mation Network under ORS 1.002 (6) and for the use of other state court electronic applications and
 41 systems shall be deposited into the fund.

42 (3) The fund consists of the moneys deposited into the fund under subsection (2) of this section,
 43 the moneys deposited into the fund under ORS 21.006 **and section 2 of this 2019 Act** and the
 44 moneys allocated to the fund under ORS 137.300.

45 (4) Moneys in the fund are continuously appropriated to the Judicial Department for the pur-

1 poses of:

2 (a) Developing, maintaining and supporting state court electronic applications, services and
3 systems and for providing access to and use of those applications, services and systems; and

4 (b) Providing electronic service and filing services.

5 **SECTION 4. This 2019 Act takes effect on the 91st day after the date on which the 2019**
6 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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