

A-Engrossed
House Bill 2400

Ordered by the Senate April 29
Including Senate Amendments dated April 29

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Attorney General Ellen Rosenblum)

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.

Extends deadline to appeal mental illness determination under certain circumstances.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to mental illness determinations; amending ORS 19.255; and declaring an emergency.

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

4 **SECTION 1.** ORS 19.255 is amended to read:

5 19.255. (1) Except as provided in [*subsections (2) and (3) of*] this section, a notice of appeal must
6 be served and filed within 30 days after the judgment appealed from is entered in the register.

7 (2) If a motion for a new trial is filed and served within the time allowed by ORCP 64, or a
8 motion for judgment notwithstanding the verdict is filed and served within the time allowed by
9 ORCP 63, a notice of appeal must be served and filed:

10 (a) Within 30 days after the order disposing of the motion is entered in the register, or within
11 30 days after the motion is deemed denied under ORCP 63 D or 64 F, whichever is first; or

12 (b) Within the time allowed by subsection (1) of this section, if the period of time provided for
13 in subsection (1) of this section expires later than the period of time provided for in paragraph (a)
14 of this subsection.

15 (3) Any other party who has appeared in the action, suit or proceeding, desiring to appeal
16 against the appellant or any other party to the action, suit or proceeding, may serve and file notice
17 of appeal within 10 days after the expiration of the time allowed by subsections (1) and (2) of this
18 section. Any party not an appellant or respondent, but who becomes an adverse party to a cross
19 appeal, may cross appeal against any party to the appeal by a written statement in the brief.

20 **(4)(a) Upon the motion of a person determined to be a person with mental illness as**
21 **provided in ORS 426.130, or determined to be an extremely dangerous person with mental**
22 **illness under ORS 426.701 or 426.702, the Court of Appeals shall grant the person leave to file**
23 **a notice of appeal of the determination after the time limits described in subsections (1) to**
24 **(3) of this section if:**

25 **(A) The person, by clear and convincing evidence, shows that the failure to file a timely**
26 **notice of appeal is not attributable to the person personally; and**

27 **(B) The person shows a colorable claim of error in the proceeding from which the appeal**
28 **is taken.**

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 **(b) The request for leave to file a notice of appeal after the time limits prescribed in**
2 **subsections (1) to (3) of this section must be filed within 90 days after entry of the order**
3 **being appealed.**

4 [(4)] (5) Except as otherwise ordered by the appellate court, when more than one notice of ap-
5 peal is filed, the date on which the last such notice was filed shall be used in determining the time
6 for preparation of the transcript, filing briefs and other steps in connection with the appeal.

7 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
9 **on its passage.**

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