

B-Engrossed
Senate Bill 977

Ordered by the House May 28
Including Senate Amendments dated April 19 and House Amendments
dated May 28

Sponsored by COMMITTEE ON JUDICIARY

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.

Repeals provisions relating to undertaking of justice of the peace.

Provides that justice of the peace district in Crook County may include portion of city that is county seat for county or portion of city in which circuit court holds court.

Permits judge of certain circuit court to be resident of or have principal office in judicial district adjacent to judicial district for which judge is elected or appointed.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courts; amending ORS 3.041 and 51.020; repealing ORS 51.270 and 51.280; and declaring
3 an emergency.

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

5 **SECTION 1. ORS 51.270 and 51.280 are repealed.**

6 **SECTION 2. ORS 51.020 is amended to read:**

7 51.020. (1) The county court or board of county commissioners of every county may set off and
8 establish, or modify the boundaries of, justice of the peace districts within the county. No more
9 than six justice of the peace districts shall be set off or established or permitted to remain in ex-
10 istence within any county. Except in the counties of Baker, **Crook**, Gilliam, Grant, Harney, Morrow,
11 Sherman, Tillamook and Wheeler, a justice of the peace district may not include any portion of the
12 city that is the county seat for the county or any portion of a city in which a circuit court regularly
13 holds court. In the counties of Baker, Gilliam, Grant, Harney, Morrow, Sherman, Tillamook and
14 Wheeler, a justice of the peace district in existence on January 15, 1998, may include any portion
15 of the city that is the county seat for the county, or any portion of a city in which a circuit court
16 regularly holds court, until such time as the justice court ceases to provide judicial services within
17 the county seat or city. If the justice court ceases to provide judicial services within the county seat
18 or city, the district that includes portions of the county seat or city shall cease to exist and may
19 not thereafter be reestablished.

20 (2) At the time that the county court or board of county commissioners of a county sets off and
21 establishes the boundaries of a justice of the peace district, the county court or board of county
22 commissioners may require as a qualification for the office that a person serving as justice of the
23 peace in the district be a member of the Oregon State Bar.

24 (3) The prohibition of subsection (1) of this section on a justice of the peace district that in-
25 cludes any portion of the city that is the county seat for the county, or any portion of a city in

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 which a circuit court regularly holds court, does not prevent a justice of the peace from conducting
2 an arraignment for a person in custody in the city that is the county seat for the county, or in a
3 city in which a circuit court regularly holds court, if the accusatory instrument for the offense was
4 filed in the justice court and the offense was committed within the boundaries of the justice of the
5 peace district.

6 **SECTION 3.** ORS 3.041 is amended to read:

7 3.041. (1) Each judge of the circuit court shall be a citizen of the United States and a resident
8 of this state.

9 (2) **Except as provided in subsections (3) and (4) of this section,** each judge of the circuit
10 court shall be a resident of or have principal office in the judicial district for which the judge is
11 elected or appointed[, *except that in any judicial district having a population of 500,000 or more, ac-*
12 *cording to the latest federal decennial census, any judge of the circuit court may reside within 10 miles*
13 *of the boundary of the judicial district.*] **or in a judicial district adjacent to the judicial district**
14 **for which the judge is elected or appointed.**

15 (3) In the seventh judicial district, two of the judges of the circuit court shall be residents of
16 or have principal offices in Wasco County, Sherman County, Gilliam County or Wheeler County and
17 two shall be residents of or have principal offices in Hood River County, Sherman County, Gilliam
18 County or Wheeler County.

19 (4) In the fifteenth judicial district, four of the judges of the circuit court shall be residents of
20 or have principal offices in Coos County and two shall be residents of or have principal offices in
21 Curry County.

22 (5) The residence within this state required by subsection (1) of this section shall have been
23 maintained for at least three years, and the residence or principal office required by subsections (2)
24 to (4) of this section shall have been maintained for at least one year, immediately prior to ap-
25 pointment or becoming a candidate for election to the office of circuit court judge.

26 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
28 **on its passage.**

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