

Enrolled
Senate Bill 977

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

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

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

SECTION 1. ORS 51.270 and 51.280 are repealed.

SECTION 2. ORS 51.020 is amended to read:

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

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

(3) The prohibition of subsection (1) of this section on a justice of the peace district that includes any portion of the city that is the county seat for the county, or any portion of a city in which a circuit court regularly holds court, does not prevent a justice of the peace from conducting an arraignment for a person in custody in the city that is the county seat for the county, or in a city in which a circuit court regularly holds court, if the accusatory instrument for the offense was filed in the justice court and the offense was committed within the boundaries of the justice of the peace district.

SECTION 3. ORS 3.041 is amended to read:

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

(2) **Except as provided in subsections (3) and (4) of this section**, each judge of the circuit court shall be a resident of or have principal office in the judicial district for which the judge is

elected or appointed[, *except that in any judicial district having a population of 500,000 or more, according to the latest federal decennial census, any judge of the circuit court may reside within 10 miles of the boundary of the judicial district.*] **or in a judicial district adjacent to the judicial district for which the judge is elected or appointed.**

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

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

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

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

Passed by Senate April 24, 2019

Received by Governor:

Repassed by Senate June 6, 2019

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Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2019

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Kate Brown, Governor

Passed by House June 3, 2019

Filed in Office of Secretary of State:

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Tina Kotek, Speaker of House

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Bev Clarno, Secretary of State