

SB 755-4
(LC 3429)
3/2/21 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Senator Floyd Prozanski)

**PROPOSED AMENDMENTS TO
SENATE BILL 755**

1 On page 1 of the printed bill, line 2, after “ORS” insert “51.050,” and after
2 “153.018,” insert “221.339.”

3 On page 14, after line 41, insert:

4 **“SECTION 22a.** ORS 51.050 is amended to read:

5 “51.050. (1) Except as otherwise provided in this section, in addition to
6 the criminal jurisdiction of justice courts already conferred upon and exer-
7 cised by them, justice courts have jurisdiction of all offenses committed or
8 triable in their respective counties. The jurisdiction conveyed by this section
9 is concurrent with any jurisdiction that may be exercised by a circuit court
10 or municipal court.

11 “(2) In any justice court that has not become a court of record under ORS
12 51.025, a defendant charged with a misdemeanor shall be notified immediately
13 after entering a plea of not guilty of the right of the defendant to have the
14 matter transferred to the circuit court for the county where the justice court
15 is located. The election shall be made within 10 days after the plea of not
16 guilty is entered, and the justice shall immediately transfer the case to the
17 appropriate court.

18 “(3) A justice court does not have jurisdiction over the trial of any felony
19 or a designated drug-related misdemeanor as defined in ORS 423.478. **A jus-**
20 **tice court does not have jurisdiction over Class E violations.** Except as
21 provided in ORS 51.037, a justice court does not have jurisdiction over of-

1 fenses created by the charter or ordinance of any city.

2 **“SECTION 22b.** ORS 221.339 is amended to read:

3 “221.339. (1) A municipal court has concurrent jurisdiction with circuit
4 courts and justice courts over all violations committed or triable in the city
5 where the court is located.

6 “(2) Except as provided in subsections (3) and (4) of this section, munici-
7 pal courts have concurrent jurisdiction with circuit courts and justice courts
8 over misdemeanors committed or triable in the city. Municipal courts may
9 exercise the jurisdiction conveyed by this section without a charter provision
10 or ordinance authorizing that exercise.

11 “(3) Municipal courts have no jurisdiction over felonies, [*or*] designated
12 drug-related misdemeanors as defined in ORS 423.478 **or Class E**
13 **violations.**

14 “(4) A city may limit the exercise of jurisdiction over misdemeanors by
15 a municipal court under this section by the adoption of a charter provision
16 or ordinance, except that municipal courts must retain concurrent jurisdic-
17 tion with circuit courts over:

18 “(a) Misdemeanors created by the city’s own charter or by ordinances
19 adopted by the city, as provided in ORS 3.132; and

20 “(b) Traffic crimes as defined by ORS 801.545.

21 “(5) Subject to the powers and duties of the Attorney General under ORS
22 180.060, the city attorney has authority to prosecute a violation of any of-
23 fense created by statute that is subject to the jurisdiction of a municipal
24 court, including any appeal, if the offense is committed or triable in the city.
25 The prosecution shall be in the name of the state. The city attorney shall
26 have all powers of a district attorney in prosecutions under this
27 subsection.”.

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