



Chief Justice Authority During Emergencies

2021 SB 296A

Key Points

- Oregon law sets firm filing deadlines and modes of appearance in court in countless statutes which may be impossible to comply with in the event of emergency. SB 296A therefore grants flexibility to protect rights and litigants.
- The bill has been field tested - SB 296A largely mirrors HB 4212, Section 6, enacted during the COVID-19 pandemic.
- Flexibility is limited to periods of Governor-declared emergencies and for 60 days thereafter.

SB 296A – Flexibility for Courts and Litigants During Emergencies

SB 296A provides statutory authority for the Chief Justice to extend or suspend certain statutory timelines and to expand the courts' ability to conduct proceedings by remote means during a time of a governor-declared emergency, not just limited to pandemic emergencies. SB 296A also provides presiding judges in our circuit courts with flexibility relating to appearances on criminal citations.

SB 296A provides limited flexibility for pretrial custody timelines, but that flexibility *is* limited to COVID-19 circumstances and with a sunset of December 31, 2022.

Background. SB 296A largely mirrors the legislation enacted in the first special session of 2020 during the COVID-19 pandemic, to ensure that courts could effectively respond to the challenges to case deadlines and in-person services while health restrictions were in place. That legislation, HB 4212, Section 6, has a sunset of December 31, 2021.

The prior legislation provided needed relief to protect rights. For example, timelines to complete DUIL diversion requirements were extended, and courts could order remote appearances in lieu of in-person dockets. That flexibility will expire at the end of this year (2021).

HB 4212 was a product of a multi-stakeholder process and received broad support. OJD has not received any complaints regarding its implementation.

Looking Ahead. Fortunately, because of the rapid transition to remote proceedings and the flexibility granted to do so, the authority to extend statutory timelines was used sparingly. We do not know what emergencies lie ahead. HB 4212 took three months to develop, consider, and pass – time we might not have in the next emergency.

Scope. The flexibility granted to the Chief Justice is triggered only when there is a Governor-declared state of emergency and for 60-days thereafter. It does not alter constitutional rights or constitutional timelines.

Questions about SB 296A, Chief Justice Authority During Emergencies? Contact Erin M. Pettigrew, Access to Justice Counsel for Legislative Affairs, Oregon Judicial Department, erin.m.pettigrew@ojd.state.or.us; 503-986-7022