



Chief Justice Authority During Emergencies

2021 SB 296

Key Points

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

SB 296 – Flexibility for Courts and Litigants During Emergencies

SB 296 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.

Background. SB 296 mirrors the legislation passed in the first special session of 2020 during the COVID-19 pandemic to ensure that the courts could effectively respond to the challenges to 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 DUII 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, received broad support, and included very narrow, agreed-upon flexibility for pretrial custody timelines for those accused of person crimes. OJD has not received any complaints regarding HB 4212's implementation.

Looking Ahead. Fortunately, because of the rapid transition to remote proceedings and the flexibility granted to do so, use of grace periods on 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 by SB 296 is only triggered where 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 296, 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; 971-283-1385