

DRAFT

SUMMARY

Digest: The Act makes changes to the process of appealing from local courts. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 81.1).

Updates, reorganizes and modifies the provisions governing appeals from justice courts that have not become courts of record.

Updates, reorganizes and modifies the provisions governing appeals from municipal courts that have not become courts of record. Establishes procedural statutes for municipal court appeals that are separate from justice court provisions.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to local courts; creating new provisions; amending ORS 19.240,
3 21.135, 21.160, 51.028, 51.050, 55.110, 138.005, 138.057, 138.081, 138.090,
4 153.105, 156.080, 156.705, 221.343 and 221.352; repealing ORS 21.285, 51.070,
5 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010, 53.020, 53.030, 53.040,
6 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110, 53.120, 53.125, 53.130,
7 55.120, 157.005, 157.010, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065,
8 157.070, 221.359, 221.360, 221.370, 221.380 and 221.390; and prescribing an
9 effective date.

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

JUSTICE COURTS GENERALLY

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13
14 **SECTION 1.** ORS 51.050, as amended by section 57, chapter 70, Oregon
15 Laws 2024, is amended to read:

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

7 *[(2) In any justice court that has not become a court of record under ORS*
8 *51.025, a defendant charged with a misdemeanor shall be notified immediately*
9 *after entering a plea of not guilty of the right of the defendant to have the*
10 *matter transferred to the circuit court for the county where the justice court*
11 *is located. The election shall be made within 10 days after the plea of not*
12 *guilty is entered, and the justice shall immediately transfer the case to the*
13 *appropriate court.]*

14 [(3)] (2) A justice court does not have jurisdiction over the trial of any
15 felony or a designated drug-related misdemeanor as defined in ORS 423.478.
16 Except as provided in ORS 51.037, a justice court does not have jurisdiction
17 over offenses created by the charter or ordinance of any city.

18 **SECTION 1a.** ORS 156.705 is amended to read:

19 156.705. *[Justices of the peace]* **Justice courts** shall have concurrent ju-
20 risdiction over all offenses **other than felonies** committed under ORS
21 167.315 to 167.333 and 167.340.

22 **SECTION 2. Civil jurisdiction.** (1) **A justice court has jurisdiction,**
23 **but not exclusive jurisdiction, of the following civil actions:**

24 (a) **For the recovery of money or damages only, when the amount**
25 **claimed does not exceed \$10,000.**

26 (b) **For the recovery of specific personal property, when the value**
27 **of the property claimed and the damages for the detention do not ex-**
28 **ceed \$10,000.**

29 (c) **For the recovery of any penalty or forfeiture, whether given by**
30 **statute or arising out of contract, not exceeding \$10,000.**

31 (d) **For the recovery of possession of real property, as provided in**

1 **ORS 105.110.**

2 (e) To give judgment without action, upon the confession of the
3 defendant for any of the causes specified in this section, except for a
4 penalty or forfeiture imposed by statute.

5 (2) For purposes of this section, the amount claimed, value of
6 property, damages or any amount in controversy does not include any
7 amount claimed as costs and disbursements or attorney fees as defined
8 by ORCP 68 A.

9 (3) A justice court does not have jurisdiction of:

10 (a) An action in which the title to real property is in question.

11 (b) An action for false imprisonment, libel, slander or malicious
12 prosecution.

13 (c) An action brought by an adult in custody as defined in ORS
14 30.642.

15 (4) The jurisdiction conferred by this section is concurrent with any
16 jurisdiction that may be exercised by a circuit court or municipal
17 court.

18 **SECTION 3. Case record.** (1) The case record of a justice court
19 consists of the docket as described in subsection (2) of this section and
20 the case file as described in subsection (3) of this section.

21 (2) The docket of a justice court is a record in which the clerk of
22 the justice court shall enter, by its title, every action, suit or pro-
23 ceeding commenced in the court according to the date of its com-
24 mencement, with the names of the parties thereto. Thereafter, the
25 clerk shall note in the docket the following:

26 (a) The date of the filing of any pleading or other document.

27 (b) The date of making, filing and entry of any order, judgment,
28 ruling or other direction of the court in or concerning such action,
29 suit or proceeding.

30 (c) An order allowing a provisional remedy, and the date of issuing
31 and returning the summons or other process.

1 (d) The date on which the parties, or either party, appears, or the
2 date on which a party fails to appear as required.

3 (e) Every postponement of a trial or other proceeding, upon whose
4 application the postponement was made, and the date and time to
5 which the trial or other proceeding was postponed.

6 (f) The demand for a jury, if any, and by whom made, the order for
7 a jury, and the time appointed for trial.

8 (g) The return of an order for a jury, the names of the persons
9 impaneled and sworn as a jury, and the names of all witnesses sworn,
10 and at whose request.

11 (h) The verdict of the jury and when given, and if the jury disagree
12 and is discharged without giving a verdict, a statement of such disa-
13 greement and discharge.

14 (i) The judgment of the court and when signed.

15 (j) The date of filing the notice of appeal.

16 (k) Any undertaking and justification of a surety.

17 (L) Satisfaction of the judgment or any part thereof.

18 (m) A memorandum of all orders relating to security release.

19 (n) Any other information that may be material or that is required
20 by statute, court order or rule.

21 (3)(a) The case file consists of every document filed with or by the
22 justice court clerk in any action, suit or proceeding in the court, or
23 before the judge.

24 (b) The case file also includes any audio recording or stenographic
25 or other reporting of any justice court proceeding made pursuant to
26 ORS 51.105, if all parties agree that the recording or other reporting
27 is the official record of the proceeding and the recording or other re-
28 porting has been filed with the court.

29 (4) A justice court may maintain its docket or case files, or both,
30 in electronic form.

31 SECTION 4. Keeping of case records. (1) The justice of the peace

1 shall safely and securely keep all case records of the justice court de-
2 scribed in section 3 of this 2025 Act. The case records are public re-
3 cords for the purposes of ORS 192.311 to 192.478.

4 (2) When any justice court is abolished, the justice of the peace
5 shall turn over the case records of that court to the clerk of the circuit
6 court for the county in which the justice court was located.

7 **SECTION 5. Transfer to circuit court.** (1) In any justice court that
8 has not become a court of record under ORS 51.025, a defendant
9 charged with a misdemeanor shall be notified immediately after en-
10 tering a plea of not guilty of the right of the defendant to have the
11 case transferred to the circuit court for the county in which the jus-
12 tice court is located. The election must be made within 10 days after
13 the plea of not guilty is entered, and upon the election the justice
14 court shall immediately transfer the case to the circuit court.

15 (2)(a) In any justice court that has not become a court of record
16 under ORS 51.025, in a case in which the defendant is charged with a
17 violation or misdemeanor, after a ruling adverse to the defendant on
18 any pretrial motion, the defendant, with the consent of the justice
19 court and the prosecutor, may have the case transferred to the circuit
20 court for the county in which the justice court is located, with the
21 same effect as a transfer described in subsection (1) of this section.
22 The request to transfer must be made within 10 days after entry of the
23 order ruling on the motion and prior to any verdict or plea of guilty
24 or no contest. Upon the request and with the consent of the justice
25 court and the prosecutor, the justice court shall immediately transfer
26 the case to the circuit court.

27 (b) In a case that is transferred under this subsection in which the
28 defendant is charged with only a violation, the filing fee described in
29 ORS 21.135 applies.

30 (3) Upon transfer of the case to circuit court, the prosecutor and
31 the defendant have the same right to appeal the circuit court's orders

1 **or judgments of the case as if the case had been originally commenced**
2 **in circuit court.**

3 **SECTION 6.** ORS 156.080 is amended to read:

4 156.080. (1) The defendant may plead the same pleas as upon an
5 indictment. The plea shall be oral and entered in the docket. If the defend-
6 ant refuses to plead, the justice shall enter the fact, together with the plea
7 of not guilty, on behalf of the defendant.

8 **(2) Notwithstanding ORS 156.010 and 135.335, in a justice court that**
9 **has not become a court of record, a defendant may not enter a con-**
10 **ditional plea of guilty or no contest, but may seek to transfer the case**
11 **to the circuit court as provided in section 5 (2) of this 2025 Act.**

12 **SECTION 6a. Adverse party contact information.** (1)(a) **When en-**
13 **tering a judgment in an action for a violation or a misdemeanor, a**
14 **justice court shall, by including a notification in the judgment docu-**
15 **ment or by another effective manner, notify the defendant that the**
16 **defendant may request the name and contact information of the gov-**
17 **ernment official or entity upon which service of a notice of appeal is**
18 **required under section 10 of this 2025 Act, with instruction on how to**
19 **make such a request.**

20 **(b) Upon the defendant making a request described in this sub-**
21 **section, the justice court shall provide the defendant with the name**
22 **and contact information of the government official or entity upon**
23 **which service of the notice of appeal is required.**

24 **(2)(a) When entering a judgment in a civil action, a justice court**
25 **shall, by including a notification in the judgment document or by an-**
26 **other effective manner, notify the parties that a party may request the**
27 **name and contact information of the adverse party upon whom service**
28 **of a notice of appeal is required under section 10 of this 2025 Act, with**
29 **instruction on how to make such a request.**

30 **(b) Upon a party making a request described in this subsection, the**
31 **justice court shall provide the party with the name and contact in-**

1 formation of the adverse party upon whom service of the notice of
2 appeal is required that is in the possession of the court at the time the
3 request is made.

4
5 **APPEALS FROM JUSTICE COURTS**

6 **(Generally)**

7
8 **SECTION 6b. Definition.** As used in sections 8 to 30 of this 2025 Act,
9 “matter” means:

10 (1) On appeal from a judgment of conviction and sentence, the en-
11 tire case; or

12 (2) On appeal from a pretrial order or order entered after trial, or
13 an amended or corrected judgment, the order or judgment from which
14 the appeal is taken and any issue, factual or legal, necessary to decide
15 the appeal.

16 **SECTION 7. Court to which appeal is taken.** (1) If a justice court
17 has become a court of record under ORS 51.025:

18 (a) An appeal in a proceeding involving a violation shall be taken
19 to the Court of Appeals as provided in ORS 138.057.

20 (b) An appeal in a proceeding involving a misdemeanor shall be
21 taken to the Court of Appeals as provided in ORS 138.010 to 138.310 for
22 appeals from a circuit court.

23 (c) An appeal in a civil action shall be taken to the Court of Appeals
24 as provided in ORS chapter 19 for appeals from a circuit court.

25 (2) If a justice court has not become a court of record under ORS
26 51.025, an appeal from a proceeding involving a violation or
27 misdemeanor or a civil action shall be taken to the circuit court of the
28 county in which the justice court is located and in the manner pro-
29 vided in ORS 55.110 and sections 8 to 30 and 30c of this 2025 Act.

30 **SECTION 8. Time within which appeal must be taken.** (1) Except
31 as provided in subsection (2) of this section, a notice of appeal must

1 be filed and served within 30 days of the date of entry in the justice
2 court docket of the judgment or order being appealed.

3 (2) If, in a case involving a misdemeanor or a violation, a motion
4 for a new trial or motion in arrest of judgment is timely served and
5 filed, a notice of appeal must be served and filed within 30 days from
6 the earlier of the following dates:

7 (a) The date of entry of the order disposing of the motion; or

8 (b) The date on which the motion is deemed denied.

9 **SECTION 9. Contents of notice of appeal.** (1) The notice of appeal
10 must contain:

11 (a) The title of the cause in the justice court. The party appealing
12 is known as the appellant and the adverse party as the respondent, but
13 the title of the action is otherwise unchanged.

14 (b) The name of each party and the party's attorney, if the party
15 is represented by an attorney.

16 (c) A notice to each party that appeared in the action or proceeding,
17 or to the party's attorney if the party is represented, that an appeal
18 is taken and designating the adverse parties to the appeal.

19 (d) Identification of the justice court's order or judgment from
20 which the appeal is taken.

21 (e) If an appellant is not represented by an attorney, a postal ad-
22 dress for the appellant and either an electronic mail address for the
23 appellant, or a statement that the appellant does not have an elec-
24 tronic mail address or does not wish to receive correspondence via
25 electronic mail.

26 (f) If the appellant is represented by an attorney, the postal address
27 and electronic mail address for the attorney.

28 (g) The postal address and electronic mail address, if known to the
29 appellant, for all other parties designated as parties to the appeal.

30 (h) The signature of the appellant or, if the appellant is represented
31 by an attorney, the appellant's attorney.

1 **(2) The State Court Administrator shall create a model notice of**
2 **appeal form that, when completed by the appellant, contains the in-**
3 **formation described in subsection (1) of this section.**

4 **SECTION 10. Filing and serving notice of appeal.** **(1) The appellant**
5 **shall:**

6 **(a) File written notice of appeal with the justice court from which**
7 **the appeal is taken with proof of service of a copy on the adverse**
8 **party, or an acknowledgment of service signed by the adverse party;**
9 **and**

10 **(b) Serve a copy of the notice of appeal on the adverse party or, if**
11 **the adverse party is represented by an attorney, the party's attorney.**

12 **(2) In a case charging a misdemeanor or a violation, if the defend-**
13 **ant is the appellant:**

14 **(a) The defendant shall serve the county attorney if the case has**
15 **been brought in the county's name and the defendant did not serve the**
16 **county attorney under subsection (1) of this section.**

17 **(b) The defendant shall serve the district attorney if the case has**
18 **been brought in the state's name and the defendant did not serve the**
19 **district attorney under subsection (1) of this section.**

20 **SECTION 10a. Filing fee.** **(1)(a) On appeal from a justice court to**
21 **the circuit court in a civil action, or in an action involving only the**
22 **commission of a violation, the parties are subject to the circuit court**
23 **fees described in ORS 21.135 or 21.160 when filing a notice of appeal or**
24 **other first appearance in the appellate proceeding.**

25 **(b) The appellant shall either tender payment of the circuit court**
26 **filing fee to the justice court, or file an application to waive or defer**
27 **the filing fee with the justice court. The appellant may use the appli-**
28 **cation described in ORS 21.685.**

29 **(c) The justice court shall transmit the filing fee or application to**
30 **wave or defer the filing fee to the circuit court of the county in which**
31 **the justice court is located at the time that the justice court submits**

1 the case record as required by section 12 of this 2025 Act. The circuit
2 court shall rule upon the application, and may waive or defer payment
3 of the filing fee required by ORS 21.135 or 21.160 for the reason and in
4 the manner provided in ORS 21.680 to 21.698.

5 (2) When the state or any political subdivision of the state, or an
6 officer, employee or agent thereof, appearing in a representative or
7 other official capacity, is a party on appeal from a justice court, pay-
8 ment of the filing fee required by ORS 21.135 or 21.160 is subject to ORS
9 20.140.

10 SECTION 11. Jurisdiction of the matter and to decide the appeal.

11 (1) The circuit court has jurisdiction to exercise judicial authority in
12 the matter upon the filing of the notice of appeal.

13 (2) Timely filing of the notice of appeal and timely service on the
14 adverse party is jurisdictional, and except as otherwise provided in this
15 section, neither the justice court nor the circuit court may waive or
16 extend the time limits for filing or serving the notice of appeal de-
17 scribed in section 8 of this 2025 Act.

18 (3) Upon the timely filing of the notice of appeal, service on the
19 adverse party and transfer of the case record to the circuit court, the
20 appeal is deemed perfected.

21 (4) Notwithstanding subsections (2) and (3) of this section:

22 (a) It is not a jurisdictional defect if the appellant files the original
23 notice of appeal with the circuit court, so long as the appellant timely
24 served a copy of the notice of appeal on the justice court.

25 (b) Timely service on an adverse party is not jurisdictional if proper
26 service did not occur due to the appellant's reliance upon an address
27 provided by the justice court under section 6a of this 2025 Act, and the
28 circuit court may extend the time for proper service.

29 (c) In a case charging a violation of a misdemeanor, timely service
30 on the county attorney or the district attorney is not jurisdictional
31 and the circuit court may extend the time for that service.

1 **SECTION 12. Submission of the record.** (1) The justice court shall
2 submit the case record described in section 3 of this 2025 Act to the
3 circuit court immediately and no later than 30 days after the date the
4 notice of appeal was filed, or no later than 10 days if the defendant is
5 in custody.

6 (2) The circuit court by order may extend the time for the justice
7 court to submit the case record.

8 (3) If the justice court and the circuit court agree, the justice court
9 may submit its case record, or make the case record available, to the
10 circuit court in electronic form. If the circuit court does not agree to
11 accept the justice court record in electronic form, the justice court
12 shall submit a paper copy of the case record to the circuit court.

13 **SECTION 13. Proceedings in the circuit court and standard of re-**
14 **view generally.** (1) The circuit court may dismiss an appeal that is not
15 properly taken or perfected, except that the circuit court may not
16 dismiss an appeal because the justice court has failed to submit the
17 justice court case record to the circuit court.

18 (2) After the appeal is perfected, the matter shall be deemed pend-
19 ing and for trial as if the case had been originally commenced in the
20 circuit court. The circuit court shall proceed to hear and decide the
21 matter anew, disregarding any irregularity or imperfection in matters
22 of form that may have occurred in the justice court.

23 (3) The circuit court may, in furtherance of justice and upon such
24 terms as may be just, allow a party to amend the party's pleadings in
25 the action, provided that the amendment does not substantially
26 change the issue tried in the justice court or introduce any new cause
27 of action or defense.

28 **SECTION 14. Rendering judgment; remand; notice to justice court.**

29 (1) The circuit court shall render a judgment, as defined in ORS 18.005,
30 conclusively disposing of the appeal.

31 (2) Except as otherwise provided in sections 8 to 30 of this 2025 Act:

1 (a) If the circuit court determines that any of the terms of the
2 justice court judgment should be reversed or modified, the circuit
3 court shall render a judgment as if the case had been originally com-
4 menced in the circuit court, containing all the terms of the judgment
5 and to be enforced as a judgment of the circuit court; or

6 (b) If the circuit court determines that none of the terms of the
7 justice court decision should be reversed or modified, the circuit court
8 shall render a judgment affirming the decision and remanding the case
9 to the justice court for enforcement of the judgment.

10 (3) Notwithstanding subsections (1) and (2) of this section, in its
11 discretion and for good cause, the circuit court may render such
12 judgment or order as may be proper, including rendering a judgment
13 containing all necessary terms to be enforced as a judgment of the
14 circuit court, and may remand the case to the justice court for further
15 proceedings in accordance with the decision of the circuit court.

16 (4) The trial court administrator of the circuit court shall provide
17 a copy of the circuit court's judgment to the justice court:

18 (a) Within 40 days after the date of entry of the circuit court judg-
19 ment, if no party appeals from the judgment; or

20 (b) Within 10 days after receipt of the appellate judgment issued by
21 the State Court Administrator resolving the appeal, if a party appeals
22 the circuit court judgment to the Court of Appeals.

23 SECTION 15. Availability of writ of review. The right of a party in
24 a justice court to appeal under sections 8 to 30 of this 2025 Act may
25 not be construed to prevent any party from seeking review in the cir-
26 cuit court under ORS 34.010 to 34.100 for errors in law appearing on the
27 face of the judgment entered by the justice court or the proceedings
28 connected therewith or, in a proceeding charging a violation or
29 misdemeanor, an interlocutory order involving the constitutionality
30 of a statute.

(Violation and Misdemeanor Cases)

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SECTION 16. Appeal and cross-appeal by the defendant. (1) In a proceeding involving a violation or misdemeanor, a defendant may appeal from:

(a) A judgment convicting the defendant of one or more charges and imposing sentence, regardless of the type of sentence imposed.

(b) A judgment ordering payment of restitution but not specifying the amount of restitution, or a supplemental judgment awarding restitution.

(c) A judgment or order imposing or executing a sentence upon revocation of probation or sentence suspension.

(d) A judgment that is an amended or corrected version of a judgment described in paragraphs (a) to (c) of this subsection.

(2) In a proceeding involving a violation, the defendant may appeal an order denying a motion for relief from default under ORS 153.105.

(3) A defendant may cross-appeal when the prosecution appeals an order prior to trial suppressing evidence as provided in section 17 (1)(c) of this 2025 Act. The failure to file a cross-appeal under this subsection does not waive a defendant's right to appeal a particular ruling of the justice court on appeal from the judgment of conviction and sentence.

SECTION 17. Appeal by the state or county. (1) In a proceeding involving a violation or misdemeanor, the prosecution may appeal from:

(a) An order made prior to trial dismissing or setting aside one or more counts in the accusatory instrument.

(b) An order allowing a demurrer.

(c) An order made prior to trial suppressing evidence.

(d) An order made prior to trial for the return or restoration of things seized.

(e) An order arresting the judgment.

(f) An order made after a guilty finding dismissing or setting aside

1 one or more counts in the accusatory instrument.

2 (g) An order granting a new trial.

3 (2) In a proceeding involving a violation, the prosecution may ap-
4 peal an order granting a defendant's motion for relief from default
5 under ORS 153.105.

6 (3) Notwithstanding subsection (1) of this section, the state or the
7 county may not appeal the dismissal of a violation by reason of a po-
8 lice officer's failure to appear at the trial on the matter if the police
9 officer was timely provided with notice of the trial date.

10 SECTION 18. Proceedings in the circuit court in general in cases
11 charging offenses. (1) On appeal of a matter in a case charging a vio-
12 lation or misdemeanor, the circuit court shall try the matter pursuant
13 to the statutes that prescribe the procedure for trial of violations or
14 misdemeanors, respectively, in the circuit court, except that the
15 prosecution may be handled by an attorney provided by the county or
16 other political subdivision of the state that enacted the ordinance or
17 adopted the provision of a charter the defendant was charged with or
18 convicted of violating.

19 (2) On appeal by the defendant of a judgment of conviction and
20 sentence for a violation or misdemeanor defined by state law or by a
21 law enacted by a county, city or other subdivision of the state, if the
22 defendant is convicted, the circuit court may impose any sentence
23 within the limits prescribed by state law, by ordinance of the county
24 or other political subdivision of the state or by city charter for the
25 violation or misdemeanor. If the circuit court determines that the
26 defendant is guilty of a violation, the circuit court shall comply with
27 ORS 153.018, 153.019, 153.020 and 153.021 in imposing the sentence.

28 SECTION 18a. Scope of review in general of order or judgment
29 other than judgment of conviction and sentence. On appeal by the
30 defendant or the prosecution of an order or judgment other than the
31 judgment of conviction and sentence, except as otherwise specified by

1 law, the circuit court may review only the order or judgment from
2 which the appeal is taken and any issue necessary to decide the appeal,
3 but may receive and consider evidence as necessary to decide the
4 matter anew.

5 **SECTION 18b. Scope of review in specific cases.** (1) On appeal by a
6 defendant of any conviction based on a plea of guilty or no contest,
7 the circuit court shall treat the plea as though it was entered in and
8 accepted by the circuit court and sentence the defendant anew.

9 (2) At any sentencing proceeding in the circuit court, both parties
10 shall be bound by any sentencing agreement that the parties entered
11 into in the justice court.

12 (3) On appeal by a defendant under section 16 (1)(b) of this 2025 Act,
13 the circuit court shall sentence the defendant anew.

14 (4) On appeal by a defendant under section 16 (1)(d) of this 2025 Act:

15 (a) The circuit court shall proceed in the same manner as in an
16 appeal from the original judgment.

17 (b) Notwithstanding paragraph (a) of this subsection, if the appeal
18 of the amended or corrected judgment is filed after expiration of the
19 time period during which the original judgment could have been ap-
20 pealed, the circuit court may review only the amended or corrected
21 part of the judgment and any part of the judgment affected by the
22 amendment or correction.

23 (5)(a) On appeal by a defendant under section 16 (2) of this 2025 Act
24 or by the prosecution under section 17 (2) of this 2025 Act, the circuit
25 court shall determine whether to grant relief in accordance with ORS
26 153.105 in the same manner as if the motion for relief had been ori-
27 ginally filed in circuit court.

28 (b) The circuit court may hear evidence or admit exhibits necessary
29 to make the determination on the matter.

30 **SECTION 19. Circuit court proceedings on appeal in violation and**
31 **misdemeanor cases.** (1) On appeal by the defendant of a judgment un-

1 **der section 16 (1)(a) or (d) of this 2025 Act involving a misdemeanor,**
2 **after the circuit court has decided the appeal, and notwithstanding**
3 **whether the circuit court affirms, reverses or modifies any term of the**
4 **justice court judgment, the circuit court shall render a judgment as**
5 **provided in section 14 (2)(a) of this 2025 Act.**

6 **(2) On appeal by the defendant of a judgment under section 16 (1)(a)**
7 **or (d) of this 2025 Act involving a violation, if the circuit court deter-**
8 **mines that no term of the justice court judgment should be reversed**
9 **or modified, the circuit court shall render a judgment as provided in**
10 **section 14 (2)(b) or (3) of this 2025 Act.**

11 **(3) On appeal by the defendant of a judgment or order under section**
12 **16 (1)(b) or (c) of this 2025 Act, after the circuit court has decided the**
13 **appeal, the circuit court shall render a judgment disposing of as much**
14 **of the case as was tried before the circuit court.**

15 **(4)(a) On appeal by the defendant under section 16 (2) of this 2025**
16 **Act, if the circuit court determines that relief should be granted, the**
17 **circuit court shall vacate the judgment and:**

18 **(A) Remand the case to the justice court for further proceedings;**
19 **or**

20 **(B) Retain the case in the circuit court for further proceedings, if**
21 **the justice court has adopted a rule described in paragraph (b) of this**
22 **subsection.**

23 **(b) A justice court, with agreement of the presiding judge of the**
24 **circuit court of the county in which the justice court is located, may**
25 **adopt a rule allowing a case described in paragraph (a) of this sub-**
26 **section to remain in circuit court for further proceedings after the**
27 **justice court judgment is vacated.**

28 **(5) On appeal by the prosecution under section 17 (1)(a) to (d) of this**
29 **2025 Act, after the circuit court has decided the matter appealed, and**
30 **notwithstanding section 18a of this 2025 Act, at the request of either**
31 **party, the circuit court shall take jurisdiction of the case, try the case**

1 and render a judgment described in section 14 (2)(a) of this 2025 Act.
2 If neither party requests the circuit court to try the remainder of the
3 case, the circuit court shall render a judgment disposing of as much
4 of the case as was tried before the circuit court and remanding the
5 case to the justice court for further proceedings.

6 (6) On appeal by the prosecution under section 17 (1)(e) to (g) of this
7 2025 Act, the circuit court shall render a judgment reflecting its deci-
8 sion and remanding the case to the justice court.

9 (7) On appeal by the prosecution under section 17 (2) of this 2025
10 Act, if the circuit court determines that relief should not be granted,
11 the circuit court shall render a judgment vacating the justice court's
12 order granting relief and remanding the case to the justice court for
13 further proceedings.

14 NOTE: Section 20 was deleted. Subsequent sections were not renumbered.

15 SECTION 21. Stay of enforcement of judgment. (1) A defendant fil-
16 ing notice of appeal from a judgment of conviction and sentence of a
17 misdemeanor described in this subsection does not stay enforcement
18 of the judgment unless the defendant:

19 (a) If sentenced to confinement, executes a release agreement or
20 makes a security release deposit as provided in ORS 135.230 to 135.290;
21 or

22 (b) On conviction of a traffic crime as defined in ORS 801.545, gives
23 the security required by ORS 810.300 to 810.330 as an undertaking on
24 appeal.

25 (2) A defendant filing notice of appeal from a judgment involving a
26 violation does not automatically stay enforcement of the judgment.

27 (3) Nothing in this section is intended to affect the authority of the
28 justice court or circuit court to stay enforcement of the judgment
29 under ORS 19.350, 138.285 or 138.295 or any other authority.

30 NOTE: Section 22 was deleted. Subsequent sections were not renumbered.

31 SECTION 23. Appeal from circuit court. (1) Upon entry by the cir-

1 **cuit court of an order or judgment:**

2 **(a) In a matter involving a violation, the order or judgment may**
3 **be appealed as provided in ORS 138.057.**

4 **(b) In a matter involving a misdemeanor, the order or judgment**
5 **may be appealed as provided in ORS 138.010 to 138.310.**

6 **(2) In any case in which only a violation or violations are charged,**
7 **the state may not appeal from an order dismissing the case that is**
8 **entered by reason of a police officer's failure to appear at the trial on**
9 **the matter if the police officer was timely provided with notice of the**
10 **trial date.**

11

12

(Civil Actions)

13

14 **SECTION 24. Who may appeal. (1) Any party to a judgment in a**
15 **civil action in a justice court, other than a judgment by confession or**
16 **for want of an answer, may appeal from the judgment when:**

17 **(a) The sum in controversy is \$30 or more, or the action is for the**
18 **recovery of personal property of the value of \$30 or more, exclusive**
19 **of disbursements in either case; or**

20 **(b) When the action is for the recovery of the possession of real**
21 **property under ORS 105.110.**

22 **(2)(a) A defendant may appeal from the justice court's order deny-**
23 **ing the defendant's motion to set aside a default order or judgment.**

24 **(b) A plaintiff may appeal from the justice court's order granting**
25 **a defendant's motion to set aside a default order or judgment.**

26 **SECTION 25. Undertaking for costs and disbursements and stay of**
27 **proceedings. (1)(a) As used in sections 8 to 30 of this 2025 Act,**
28 **"undertaking" means a written promise signed by an appellant to take**
29 **an action, in connection with an appeal from the justice court to the**
30 **circuit court, that is supported by a bond, one or more sureties or a**
31 **deposit of money with the justice court.**

1 **(b) A surety for an undertaking on appeal must have the qualifica-**
2 **tions established by ORCP 82.**

3 **(2) The appellant shall file an undertaking stating that the**
4 **appellant will pay all costs and disbursements that may be awarded**
5 **against the appellant on appeal. The appellant shall file the under-**
6 **taking with the justice court within five days after filing the notice**
7 **of appeal. The justice court or the circuit court for good cause may**
8 **extend the time to file the undertaking.**

9 **(3) In order to stay the enforcement of a money judgment on ap-**
10 **peal, the appellant shall include in the undertaking a promise to pay**
11 **the justice court judgment to the extent that the circuit court affirms**
12 **the judgment.**

13 **(4)(a) The respondent may object to the sufficiency of an under-**
14 **taking for costs and disbursements, or to stay enforcement of the**
15 **judgment, including the amount of the undertaking, the security for**
16 **the undertaking or the qualifications of a surety.**

17 **(b) The objection to the sufficiency of an undertaking must be filed**
18 **as provided in ORCP 82. Notwithstanding ORCP 82 F, the respondent**
19 **must file the objection within 14 days after the date on which a copy**
20 **of the undertaking is served on the respondent. The justice court for**
21 **good cause may extend the time to file the objection. The justice court**
22 **shall decide the sufficiency of the undertaking in the manner provided**
23 **by ORCP 82.**

24 **(5)(a) If a tenant on appeal of a judgment for possession of real**
25 **property files an undertaking to stay enforcement of the judgment**
26 **during the appeal, absent a bond or sufficient surety, the tenant shall**
27 **support the undertaking by promising to deposit with the justice court**
28 **by a date certain each month the fair market rental value of the real**
29 **property. The justice court may determine the fair market rental**
30 **value of the real property based on the written or oral rental agree-**
31 **ment between the parties or other evidence of the monthly rent**

1 amount due or in effect at the time the court's determination is made.

2 (b) The tenant must deposit the fair market value of the property
3 with the justice court each month by the date specified in the under-
4 taking or as ordered by the justice court. If the tenant fails to timely
5 deposit the monthly amount, the landlord shall be entitled to enforce
6 the justice court judgment notwithstanding the pendency of the appeal
7 to the circuit court. Upon motion by the landlord, the justice court
8 may order issuance of a notice of restitution in accordance with ORS
9 105.153 or a writ of execution of judgment of restitution in accordance
10 with ORS 105.156. For purposes of ORS 105.159 (3), any period during
11 which the justice court judgment is stayed shall not be considered as
12 part of the 60-day time period.

13 (c) On receipt of the circuit court's judgment disposing of the ap-
14 peal, the justice court shall disburse the money deposited by the ten-
15 ant in accordance with the circuit court's judgment.

16 (6) When judgment is given in the circuit court against the
17 appellant, either with or without the trial of the action, it must also
18 be given against the sureties in the undertaking of the appellant, ac-
19 cording to its nature and effect.

20 SECTION 26. Stay of proceedings without undertaking. If the judg-
21 ment from which the appeal is taken is in favor of the appellant, the
22 proceedings on the judgment are stayed by the filing of the notice of
23 appeal and the undertaking for the costs of the appeal.

24 SECTION 27. Recall of execution when stay granted. If enforcement
25 of a judgment is stayed under section 25 (3) or section 26 of this 2025
26 Act and execution has been issued to enforce the judgment, on motion
27 of the party against whom judgment was rendered, the justice court
28 shall recall the execution by written notice to the officer holding the
29 execution. Upon recall, the execution must be returned, and all prop-
30 erty taken pursuant to the execution that has not been sold must be
31 released.

1 **SECTION 28. Enforcement of judgment in contract action notwith-**
2 **standing appeal.** When a judgment has been given for money in an
3 action upon a contract to pay money, notwithstanding an appeal and
4 undertaking for the stay of proceedings, the respondent may enforce
5 the judgment if, within five days from the date the notice of appeal is
6 filed, the respondent files with the justice court an undertaking, with
7 one or more sureties, to the effect that if the judgment is changed or
8 modified on appeal, the respondent will make such restitution as the
9 circuit court may direct. The undertaking must be filed with the jus-
10 tice court after at least two days' notice to the other party.

11 **SECTION 28a. Appeals from actions for the recovery of real prop-**
12 **erty.** (1) On appeal from a judgment conclusively determining an
13 action for the recovery of real property, notwithstanding section 12 of
14 this 2025 Act, the justice court shall forward the notice of appeal and
15 the case record to the circuit court within 10 days of the date the
16 appellant files the notice of appeal with the justice court.

17 (2) Notwithstanding ORS 105.137, the circuit court shall proceed to
18 set the matter for trial, without scheduling a first appearance, as fol-
19 lows:

20 (a) For a claim based on nonpayment as defined in ORS 90.395, no
21 earlier than 15 days and no later than 30 days following the date of
22 receipt of the justice court record; or

23 (b) For any other claim, as soon as practicable and no later than
24 15 days following the date of receipt of the justice court record.

25 **SECTION 29. Judgment on dismissal or after trial; judgment**
26 **against sureties.** If the circuit court dismisses an appeal, the court
27 shall render judgment as provided in section 14 of this 2025 Act, which
28 shall include judgment against the appellant for the costs and dis-
29 bursements of the appeal. When judgment is given in the circuit court
30 against the appellant, either with or without trial of the action, the
31 judgment must also be given against the sureties in the undertaking

1 of the appellant, according to its nature and effect.

2 **SECTION 30. Appeal from circuit court.** Upon entry by the circuit
3 court of an order or judgment in the matter, the judgment may be
4 appealed as provided in ORS chapter 19 except as otherwise provided
5 by law.

6
7 (Small Claims)

8
9 **SECTION 30a.** ORS 55.110 is amended to read:

10 55.110. (1) The judgment of the court shall be conclusive upon the
11 plaintiff in respect to the claim filed by the plaintiff and upon the defendant
12 in respect to a counterclaim asserted by the defendant. **Except as provided**
13 **in subsections (2)(a) and (b) of this section,** the defendant may appeal if
14 dissatisfied in respect to the claim filed by the plaintiff[.] **and** the plaintiff
15 may appeal if dissatisfied in respect to a counterclaim asserted by the de-
16 fendant. [*A party entitled to appeal may, within 10 days after the entry of the*
17 *judgment against the party, appeal to the circuit court for the county in which*
18 *the justice court is located. If final judgment is rendered against the party*
19 *appealing in the appellate court, that party shall pay, in addition to the*
20 *judgment, an attorney's fee to the other party in the sum of \$10. Appeals from*
21 *the small claims department shall only be allowed in cases in which appeals*
22 *would be allowed if the action were instituted and the judgment rendered in*
23 *the justice courts, as is provided by law.*]

24 (2)(a) **A party to a judgment taken by confession or for want of an**
25 **answer may not appeal from the judgment, but the party may appeal**
26 **from an order denying the party's motion for relief from default.**

27 (b) **A party may not appeal from a judgment when the sum in**
28 **controversy is less than \$30 or when the action is for the recovery of**
29 **personal property with a value of less than \$30, exclusive of disburse-**
30 **ments in the action.**

31 (3)(a) **An appeal from the small claims department of a justice court**

1 that has not become a court of record shall be taken to the circuit
2 court of the county in which the justice court is located.

3 (b) Notwithstanding section 7 (1)(c) of this 2025 Act, an appeal may
4 not be taken from the small claims department of a justice court that
5 has become a court of record.

6 SECTION 30b. Section 30c of this 2025 Act is added to and made a
7 part of ORS 55.020 to 55.140.

8 SECTION 30c. (1) Except as otherwise provided in this section, an
9 appeal under ORS 55.110 shall be taken in the manner provided in
10 sections 8 to 30 of this 2025 Act, including satisfactory security for
11 payment of the judgment and costs.

12 (2)(a) The State Court Administrator shall create a model notice
13 of appeal form, for appeals under ORS 55.110 that, when completed by
14 the appellant, contains the information described in section 9 (1) of
15 this 2025 Act.

16 (b) The clerk of the justice court shall provide a party, at the
17 party's request, a copy of the notice of appeal form.

18 (3) The circuit court shall decide the appeal anew without a jury.
19 A party may not file any additional pleadings, but the circuit court
20 may require the parties to file further statements or information as
21 the court deems necessary for proper consideration of any issue raised
22 on appeal.

23 (4) The decision of the circuit court on appeal shall be final and
24 conclusive, and an appeal may not be taken from the judgment of the
25 circuit court.

26

27

(Amendments to Existing Statutes)

28

29 SECTION 30d. ORS 19.240 is amended to read:

30 19.240. (1) An appeal to the Court of Appeals shall be taken in the manner
31 prescribed in this chapter.

1 (2) The appeal shall be taken by causing a notice of appeal, in the form
2 prescribed by ORS 19.250, to be served:

3 (a) On all parties who have appeared in the action, suit or proceeding;

4 (b) On the trial court administrator; and

5 (c) On the trial court transcript coordinator, **if applicable and** if a
6 transcript is designated in connection with the appeal.

7 (3) The original of the notice with proof of service indorsed thereon or
8 affixed thereto shall be filed with the Court of Appeals.

9 **SECTION 30e.** ORS 153.105 is amended to read:

10 153.105. (1) If a [*default*] judgment is entered against a defendant under
11 ORS 153.102, the court may relieve a defendant from the judgment upon a
12 showing that the failure of the defendant to appear was due to mistake, **in-**
13 **cluding clerical mistake**, inadvertence, surprise or excusable neglect, **or**
14 **that the court committed a legal error in entering the judgment.** A
15 motion for relief under this section must be made by the defendant within
16 a reasonable time, and in no event may a motion under this section be made
17 more than one year after entry of judgment.

18 (2) **If the defendant makes an oral request for relief under this**
19 **section or the court rules on the request orally, or both, the court**
20 **shall note in the docket that the defendant requested relief from**
21 **judgment and the court's disposition of the request.**

22 (3) **This section does not limit the inherent authority of the court**
23 **to relieve a party from a judgment within a reasonable time after**
24 **entry of the judgment.**

25 **NOTE:** Section 31 was deleted. Subsequent sections were not renumbered.

26 **SECTION 32.** ORS 138.005 is amended to read:

27 138.005. As used in ORS 138.010 to 138.310:

28 (1) Unless the context requires otherwise, the terms defined in ORS 19.005
29 have the meanings set forth in ORS 19.005.

30 (2) "Appealable" means, in reference to a judgment or order rendered by
31 a trial court, that the judgment or order is, by law, subject to appeal by a

1 party.

2 (3) “Colorable claim of error” means an argument that is plausible,
3 grounded in the facts of the case, and reasonable under current law or a
4 reasonable extension or modification of current law.

5 (4) “Reviewable” means, in reference to a particular decision of a trial
6 court on appeal from an appealable judgment or order, that the appellate
7 court may, by law, consider the decision and resolve an issue regarding the
8 decision.

9 (5) “Sentence” means all legal consequences established or imposed by the
10 trial court after conviction of an offense, including but not limited to:

11 (a) Forfeiture, imprisonment, cancellation of license, removal from office,
12 monetary obligation, probation, conditions of probation, discharge,
13 restitution and community service; and

14 (b) Suspension of imposition or execution of any part of a sentence, ex-
15 tension of a period of probation, imposition of a new or modified condition
16 of probation or of sentence suspension, and imposition or execution of a
17 sentence upon revocation of probation or sentence suspension.

18 (6) “State” includes, in addition to the State of Oregon and when
19 referencing a party:

20 (a) **The county, in an appeal from a justice court that has become**
21 **a court of record under ORS 51.025 in which the county is the plaintiff;**
22 **and**

23 (b) **The city, in an appeal from a municipal court that has become**
24 **a court of record under ORS 221.342 in which the city is the plaintiff.**

25 **SECTION 32a.** ORS 138.090 is amended to read:

26 138.090. [*When the state takes an appeal,*] The notice of appeal shall be
27 signed by:

28 (1) The district attorney for the county or by the Attorney General, **when**
29 **an appeal is taken on behalf of the State of Oregon in a prosecution**
30 **of an offense created by state statute.**

31 (2) **The defendant or an attorney for the defendant,** when the de-

1 fendant takes an appeal[, *the notice of appeal shall be signed by the defendant*
2 *or an attorney of the court for the defendant*].

3 **(3) County counsel for the county, when the county appeals in a**
4 **prosecution for violating a county ordinance.**

5 **(4) City counsel for the city, when the city appeals in a prosecution**
6 **for violating an offense created by the city’s charter or by ordinance.**

7 **SECTION 33.** ORS 138.057 is amended to read:

8 138.057. (1)[(a)] If a justice court or municipal court has become a court
9 of record under ORS 51.025 or 221.342, an appeal from a judgment involving
10 a violation shall be as provided in ORS chapter 19 for appeals from judg-
11 ments entered by circuit courts, except that the standard of review is the
12 same as for an appeal from a judgment in a proceeding involving a
13 misdemeanor or felony.

14 **(2)(a)** If a justice court or municipal court has not become a court of
15 record under ORS 51.025 or 221.342, the appeal from a judgment involving a
16 violation entered by the justice court or municipal court may be taken to the
17 circuit court for the county in which the justice court or municipal court is
18 located[.] **as follows:**

19 **(A) For a justice court, as provided in sections 8 to 30 of this 2025**
20 **Act; and**

21 **(B) For a municipal court, as provided in sections 39 to 51 of this**
22 **2025 Act.** [*An appeal to a circuit court must be taken in the manner provided*
23 *in this subsection.*]

24 [*(b) Within 30 days after the entry of the judgment by the justice court or*
25 *municipal court, a party who wishes to appeal the decision must serve a copy*
26 *of the notice of appeal on the adverse party and must file the original notice*
27 *of appeal with the justice court or municipal court along with proof of service*
28 *on the adverse party or an acknowledgment of service signed by the adverse*
29 *party.*]

30 [*(c) If the appeal is made by the defendant from the decision of a municipal*
31 *court, the copy of the notice of appeal must be served on the city attorney. If*

1 *the appeal is made by the defendant from a decision in a justice court, the copy*
2 *of the notice of appeal must be served on the district attorney for the county.]*

3 [(d)] **(b)** No undertaking shall be required of the party filing a notice of
4 appeal under the provisions of this subsection.

5 [(e) *Upon filing of the notice of appeal, the justice court or municipal court*
6 *shall forward all files relating to the case to the circuit court to which the*
7 *appeal is taken.*]

8 [(f) *The circuit court shall treat a matter appealed under this subsection*
9 *as though the case had been originally filed with the circuit court and shall*
10 *try the case anew, disregarding any irregularity or imperfection in the pro-*
11 *ceedings in the justice court or municipal court.*]

12 [(g) *Upon entry of a judgment in the matter, the judgment may be appealed*
13 *as provided in subsection (2) of this section.*]

14 [(2)] **(3)(a)** Subject to the provisions of this subsection, an appeal from a
15 judgment involving a violation entered by a circuit court may be taken as
16 provided in ORS chapter 19.

17 [(a)] **(b)** For the purpose of meeting the requirements imposed by ORS
18 19.240, the copy of the notice of appeal must be served on:

19 (A) The city attorney, if the appeal is made by the defendant from a de-
20 cision initially made in a municipal court.

21 (B) The district attorney for the county, if the appeal is made by the de-
22 fendant from a decision initially made in a justice court.

23 [(b)] **(c)** Notwithstanding ORS 19.270, timely service on the city attorney
24 or district attorney under the provisions of this subsection is not jurisdic-
25 tional and the Court of Appeals may extend the time for that service.

26 [(c)] **(d)** Notwithstanding any provision of ORS chapter 19, an undertak-
27 ing on appeal is not required for an appeal from a judgment involving a vi-
28 olation.

29 [(d)] **(e)(A)** The filing of a notice of an appeal from a judgment involving
30 a violation does not act to automatically stay the judgment.

31 **(B) Nothing in this paragraph is intended to affect the authority**

1 **of the circuit court to stay enforcement of the judgment under ORS**
2 **19.350, 138.285 or 138.295 or any other authority.**

3 (e) The standard of review for an appeal under this subsection is the same
4 as for an appeal from a judgment in a proceeding involving a misdemeanor
5 or felony.

6 [(3)] **(d)** In any case in which only violations are charged, the state may
7 not appeal from an order dismissing the case that is entered by reason of a
8 police officer's failure to appear at the trial of the matter **if the police of-**
9 **ficer was timely provided with notice of the trial date.**

10 **SECTION 34.** ORS 138.081 is amended to read:

11 138.081. (1) An appeal shall be taken by causing a notice of appeal in the
12 form prescribed by ORS 19.250 to be served:

13 (a)(A) When the defendant appeals[,]:

14 (i) On the district attorney for the county in which the judgment is en-
15 tered, *[or, if the appeal is under ORS 221.360, on the plaintiff's attorney; or]*
16 **if the appeal is from a conviction for a misdemeanor or felony under**
17 **state law;**

18 (ii) **On county counsel for the county in which the judgment is en-**
19 **tered, if the appeal is from a conviction for a violation of a county**
20 **ordinance constituting a misdemeanor; or**

21 (iii) **On the city attorney or other prosecutor, if the appeal is from**
22 **a conviction for a misdemeanor defined by a city charter or ordinance;**
23 **or**

24 (B) When the state appeals, on the attorney of record for the defendant
25 or, if the defendant has no attorney of record, on the defendant;

26 (b) On the trial court transcript coordinator, **if applicable and** if a
27 transcript is required in connection with the appeal; and

28 (c) On the trial court administrator.

29 (2)(a) If the state cannot effect service on the defendant as provided in
30 subsection (1)(a)(B) of this section, the trial court may order alternative
31 service in accordance with ORCP 7 D(6) on proof of the state's due diligence

1 in attempting to effect service.

2 (b) Alternative service is not perfected until the time established by the
3 court for response expires and the state files with the appellate court the
4 affidavit or declaration of alternative service.

5 (3) The notice of appeal signed by the appellant, along with proof of ser-
6 vice of the notice, must be filed with the administrator of the court to which
7 the appeal is taken. Proof of service of the notice of appeal may either be
8 part of, or accompany, the original notice when filed.

9

10

(Repeals)

11

12 **SECTION 35. ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130,**
13 **53.005, 53.010, 53.020, 53.030, 53.040, 53.050, 53.060, 53.070, 53.080, 53.090,**
14 **53.100, 53.110, 53.120, 53.125, 53.130, 55.120, 157.005, 157.010, 157.020,**
15 **157.030, 157.040, 157.050, 157.060, 157.065 and 157.070 are repealed.**

16

17

(Conforming Amendments)

18

19 **SECTION 35a.** ORS 21.135 is amended to read:

20 21.135. (1) Unless a specific fee is provided by subsection (3) or (4) of this
21 section or other law for a proceeding, a circuit court shall collect a filing
22 fee of \$281 when a complaint or other document is filed for the purpose of
23 commencing an action or other civil proceeding and when an answer or other
24 first appearance is filed in the proceeding.

25 (2) Except as provided in subsection (5) of this section, the filing fee es-
26 tablished by subsection (1) of this section applies to:

27 (a) Proceedings in which only equitable remedies are sought.

28 (b) Appeals from a conviction of a violation in justice or municipal courts
29 [*as provided in ORS 21.285*].

30 (c) Interpleader actions.

31 (d) Actions relating to a trust.

1 (e) Proceedings for judicial review of an agency order.

2 (f) Declaratory judgment actions.

3 (g) Any other action or proceeding that is statutorily made subject to the
4 fee established by this section and any other civil proceeding for which a
5 specific filing fee is not provided.

6 (3)(a) The circuit court shall collect a filing fee of \$263 in adoption cases
7 under ORS chapter 109, excluding readoptions under ORS 109.385, when a
8 petition is filed for the purpose of commencing an adoption proceeding or
9 when any other document or other first appearance is filed in the proceeding.
10 The fee shall include the cost of issuing one or more certificates of adoption
11 under ORS 109.410.

12 (b) When separate petitions for adoption of multiple minor children are
13 concurrently filed under ORS 109.276 by the same petitioner, one filing fee
14 shall be charged for the first petition filed and the filing fees for concur-
15 rently filed petitions shall not be charged.

16 (4) The circuit court shall collect a filing fee of \$56 for actions seeking
17 remedial sanctions for contempt of court under ORS 33.055 and when a first
18 appearance is filed in the proceeding.

19 (5) The filing fee established under subsection (1) of this section does not
20 apply to:

21 (a) Expunction proceedings under ORS 419A.261 or 419A.262;

22 (b) Petitions under ORS 163A.130 or 163A.135 for an order relieving the
23 person from the duty to report as a sex offender if the person is required to
24 report under ORS 163A.025; or

25 (c) Any juvenile delinquency proceeding arising under ORS chapter 419B
26 or 419C.

27 **SECTION 35b.** ORS 21.160 is amended to read:

28 21.160. (1) A circuit court shall collect the following filing fees when a
29 complaint or other document is filed for the purpose of commencing an
30 action or other civil proceeding based on a tort or contract and when an
31 answer or other first appearance is filed in the proceeding:

1 (a) If the amount claimed is \$10,000 or less, the court shall collect a filing
2 fee of \$170.

3 (b) If the amount claimed is more than \$10,000 and less than \$50,000, the
4 court shall collect a filing fee of \$283.

5 (c) If the amount claimed is \$50,000 or more, and less than \$1 million, the
6 court shall collect a filing fee of \$594.

7 (d) If the amount claimed is \$1 million or more and less than \$10 million,
8 the court shall collect a fee of \$884.

9 (e) If the amount claimed is \$10 million or more, the court shall collect
10 a filing fee of \$1,178.

11 (2) The filing fees provided by this section apply to proceedings for the
12 foreclosure of a mortgage, lien or other security interest. For the purposes
13 of such proceedings, the amount claimed is the amount of the debt secured
14 by the mortgage, lien or other security interest that is owing as of the date
15 that the proceeding is filed.

16 (3) The filing fees provided by this section apply to proceedings for spe-
17 cific performance of a contract. For the purposes of such proceedings, the
18 amount claimed is the amount owing under the contract on the date that the
19 proceeding is filed.

20 (4) A court shall collect the filing fees provided by this section when an
21 appeal from **a civil proceeding** in a justice court is filed under ORS [53.005
22 to 53.125] **55.110 or sections 8 to 30 or 30c of this 2025 Act**, or a case is
23 transferred from a justice court under ORS 52.320.

24 (5) For purposes of this section, the amount claimed in a proceeding does
25 not include any amount claimed as attorney fees or as costs and disburse-
26 ments.

27 (6) For purposes of this section, the amount claimed in a proceeding in-
28 cludes any penalty or forfeiture provided by statute or arising out of con-
29 tract.

30 **SECTION 35c.** ORS 51.028 is amended to read:

31 51.028. (1) Any justice court that has become a court of record under ORS

1 51.025 may cease to operate as a court of record only if the governing body
2 of the county in which the court is located files a declaration with the Su-
3 preme Court identifying the date on which the justice court will cease op-
4 eration as a court of record. The date identified in the declaration may not
5 be less than 31 days after the date the declaration is filed.

6 (2) The Supreme Court may not charge a fee for filing a declaration under
7 subsection (1) of this section. Not later than 30 days after a declaration is
8 filed under subsection (1) of this section, the Supreme Court shall enter an
9 order acknowledging the filing of the declaration and give notice of the order
10 of acknowledgment to the county and the public.

11 (3) The appeal from a judgment entered in a justice court after the date
12 identified in a declaration filed under this section shall be as provided in
13 **ORS [53.005 to 53.125 and ORS chapter 157] 55.110 and sections 8 to 30 and**
14 **30c of this 2025 Act.**

15

16

MUNICIPAL COURTS

17

(Appeals from Municipal Courts)

18

19 **SECTION 36. Sections 37 to 51 of this 2025 Act are added to and**
20 **made a part of ORS chapter 221.**

21 **SECTION 37. Transfer to circuit court. (1) In any municipal court**
22 **that has not become a court of record under ORS 221.342, a defendant**
23 **charged with a misdemeanor shall be notified immediately after en-**
24 **tering a plea of not guilty of the right of the defendant to have the**
25 **case transferred to the circuit court for the county in which the mu-**
26 **nicipal court is located. The election must be made within 10 days af-**
27 **ter the plea of not guilty is entered, and upon the election the**
28 **municipal court shall immediately transfer the case to the circuit**
29 **court.**

30 (2)(a) In any municipal court that has not become a court of record
31 under ORS 221.342, a defendant may not enter a conditional plea of

1 guilty or no contest. However, after a ruling adverse to the defendant
2 on any pretrial motion, the defendant, with the consent of the mu-
3 nicipal court and the prosecutor, may have the case transferred to the
4 circuit court for the county in which the municipal court is located,
5 with the same effect as a transfer described in subsection (1) of this
6 section. The request to transfer must be made within 10 days after
7 entry of the order ruling on the motion and prior to any verdict or
8 plea of guilty or no contest. Upon the request and with the consent
9 of the municipal court and the prosecutor, the municipal court shall
10 immediately transfer the case to the circuit court.

11 (b) In a case that is transferred under this subsection in which the
12 defendant is charged with only a violation, the filing fee described in
13 ORS 21.135 applies.

14 (3) Upon transfer of the case to circuit court, the prosecutor and
15 the defendant have the same right to appeal the circuit court's orders
16 or judgments of the case as if the case originally commenced in circuit
17 court.

18 SECTION 37a. Adverse party contact information. (1) When enter-
19 ing a judgment in an action for a violation or a misdemeanor, a mu-
20 nicipal court shall, by including a notification in the judgment
21 document or by another effective manner, notify the defendant that
22 the defendant may request the name and contact information of the
23 government official or entity upon which service of a notice of appeal
24 is required under section 40 of this 2025 Act, with instruction on how
25 to make such a request.

26 (2) Upon the defendant making a request described in this sub-
27 section, the municipal court shall provide the defendant with the name
28 and contact information of the government official or entity upon
29 which service of the notice of appeal is required.

30 SECTION 37b. Definition. As used in sections 39 to 51 of this 2025
31 Act, "matter" means:

1 (1) On appeal from a judgment of conviction and sentence, the en-
2 tire case; or

3 (2) On appeal from a pretrial order or order entered after trial, or
4 an amended or corrected judgment, the order or judgment from which
5 the appeal is taken and any issue, factual or legal, necessary to decide
6 the appeal.

7 **SECTION 38. Court to which appeal is taken.** (1) If a municipal
8 court has become a court of record under ORS 221.342:

9 (a) An appeal in a proceeding involving a violation shall be taken
10 to the Court of Appeals as provided in ORS 138.057.

11 (b) An appeal in a proceeding involving a misdemeanor shall be
12 taken to the Court of Appeals as provided in ORS 138.010 to 138.310 for
13 appeals from a circuit court.

14 (2) If a municipal court has not become a court of record under
15 ORS 221.342, an appeal shall be taken to the circuit court of the county
16 in which the municipal court is located and in the manner provided
17 in sections 39 to 51 of this 2025 Act.

18 **SECTION 39. Time within which appeal must be taken.** (1) Except
19 as provided in subsection (2) of this section, a notice of appeal must
20 be filed and served within 30 days of the date of entry in the municipal
21 court docket of the judgment or order being appealed.

22 (2) If a motion for a new trial or motion in arrest of judgment is
23 timely served and filed, a notice of appeal must be served and filed
24 within 30 days from the earlier of the following dates:

25 (a) The date of entry of the order disposing of the motion; or

26 (b) The date on which the motion is deemed denied.

27 (3) The appeal is perfected upon submission of the case record de-
28 scribed in ORS 221.352.

29 **SECTION 39a. Contents of notice of appeal.** (1) The notice of appeal
30 must contain:

31 (a) The title of the cause in the municipal court. The party ap-

1 pealing is known as the appellant and the adverse party as the re-
2 spondent, but the title of the action is otherwise unchanged.

3 (b) The name of each party and the party's attorney, if the party
4 is represented by an attorney.

5 (c) A notice to each party that appeared in the action or proceeding,
6 or to the party's attorney if the party is represented, that an appeal
7 is taken and designating the adverse parties to the appeal.

8 (d) Identification of the municipal court's order or judgment from
9 which the appeal is taken.

10 (e) If an appellant is not represented by an attorney, a postal ad-
11 dress for the appellant and either an electronic mail address for the
12 appellant, or a statement that the appellant does not have an elec-
13 tronic mail address or does not wish to receive correspondence via
14 electronic mail.

15 (f) If the appellant is represented by an attorney, the postal address
16 and electronic mail address for the attorney.

17 (g) The postal address and electronic mail address, if known to the
18 appellant, for all other parties designated as parties to the appeal.

19 (h) The signature of the appellant or, if the appellant is represented
20 by an attorney, the appellant's attorney.

21 (2) The State Court Administrator shall create a model notice of
22 appeal form that, when completed by the appellant, contains the in-
23 formation described in subsection (1) of this section.

24 **SECTION 40. Filing and serving notice of appeal.** (1) The appellant
25 shall:

26 (a) File written notice of appeal with the municipal court from
27 which the appeal is taken with proof of service of a copy on the ad-
28 verse party, or an acknowledgment of service signed by the adverse
29 party; and

30 (b) Serve a copy of the notice of appeal on the adverse party or, if
31 the adverse party is represented by an attorney, the party's attorney.

1 (2) If the defendant is the appellant:

2 (a) The defendant shall serve the city attorney if the case has been
3 brought in the city's name and the defendant did not serve the city
4 attorney under subsection (1) of this section.

5 (b) The defendant shall serve the district attorney if the case has
6 been brought in the state's name and the defendant did not serve the
7 district attorney under subsection (1) of this section.

8 SECTION 40a. Filing fee. (1)(a) On appeal from a municipal court
9 to the circuit court in an action involving only the commission of a
10 violation, the parties are subject to the circuit court fees described in
11 ORS 21.135 when filing a notice of appeal or other first appearance in
12 the appellate proceeding.

13 (b) The appellant shall either tender payment of the circuit court
14 filing fee to the municipal court, or file an application to waive or
15 defer the filing fee with the municipal court. The appellant may use
16 the application described in ORS 21.685.

17 (c) The municipal court shall transmit the filing fee or application
18 to waive or defer the filing fee to the circuit court of the county in
19 which the municipal court is located at the time that the municipal
20 court submits the case record as required in section 41a of this 2025
21 Act. The circuit court shall rule upon the application, and may waive
22 or defer payment of the filing fee required by ORS 21.135 for the reason
23 and in the manner provided in ORS 21.680 to 21.698.

24 (2) When the state or any political subdivision of the state, or an
25 officer, employee or agent thereof, appearing in a representative or
26 other official capacity, is a party on appeal from a municipal court,
27 payment of the filing fee required by ORS 21.135 is subject to ORS
28 20.140.

29 SECTION 41. Jurisdiction of the matter and to decide the appeal.

30 (1) The circuit court has jurisdiction to exercise judicial authority in
31 the matter upon the filing of the notice of appeal.

1 **(2) Timely filing of the notice of appeal and timely service on the**
2 **adverse party is jurisdictional, and except as otherwise provided in this**
3 **section, neither the municipal court nor the circuit court may waive**
4 **or extend the time limits for filing or serving the notice of appeal de-**
5 **scribed in section 40 of this 2025 Act.**

6 **(3) Upon the timely filing of the notice of appeal, service of the**
7 **adverse party and transfer of the case record to the circuit court, the**
8 **appeal is deemed perfected.**

9 **(4) Notwithstanding subsections (2) and (3) of this section:**

10 **(a) It is not a jurisdictional defect if the appellant files the original**
11 **notice of appeal with the circuit court, so long as the appellant timely**
12 **served a copy of the notice of appeal on the municipal court.**

13 **(b) Timely service on an adverse party is not jurisdictional if proper**
14 **service did not occur due to the appellant's reliance upon an address**
15 **provided by the municipal court under section 37a of this 2025 Act, and**
16 **the circuit court may extend the time for proper service.**

17 **(c) Timely service on the city attorney or the district attorney is**
18 **not jurisdictional and the circuit court may extend the time for that**
19 **service.**

20 **SECTION 41a. Submission of the record.** (1) **The municipal court**
21 **shall submit the case record described in ORS 221.352 to the circuit**
22 **court immediately and no later than 30 days after the date the notice**
23 **of appeal was filed, or 10 days if the defendant is in custody.**

24 **(2) The circuit court by order may extend the time for the municipi-**
25 **pal court to submit the case record.**

26 **(3) If the municipal court and the circuit court agree, the municipal**
27 **court may submit its case record, or make the case record available,**
28 **to the circuit court in electronic form. If the circuit court does not**
29 **agree to accept the municipal court record in electronic form, the**
30 **municipal court shall submit a paper copy of the case record to the**
31 **circuit court.**

1 **SECTION 42. Proceedings in the circuit court and standard of re-**
2 **view generally.** (1) The circuit court may dismiss an appeal that is not
3 properly taken or perfected, except that the circuit court may not
4 dismiss an appeal because the municipal court has failed to submit the
5 municipal court case record to the circuit court.

6 (2) After the appeal is perfected, the matter shall be deemed pend-
7 ing and for trial as if the case had been originally commenced in the
8 circuit court. The circuit court shall proceed to hear and decide the
9 matter anew, disregarding any irregularity or imperfection in matters
10 of form that may have occurred in the municipal court.

11 (3) The circuit court may, in furtherance of justice and upon such
12 terms as may be just, allow a party to amend the party's pleadings in
13 the action, provided that the amendment does not substantially
14 change the issue tried in the municipal court or introduce any new
15 cause of action or defense.

16 **SECTION 42a. Rendering judgment; remand; notice to municipal**
17 **court.** (1) The circuit court shall render a judgment as defined in ORS
18 18.005 conclusively disposing of the appeal.

19 (2) Except as otherwise provided in sections 39 to 51 of this 2025 Act:

20 (a) If the circuit court determines that any of the terms of the
21 municipal court judgment should be reversed or modified, the circuit
22 court shall render a judgment as if the case had been originally com-
23 menced in the circuit court, containing all the terms of the judgment
24 and to be enforced as a judgment of the circuit court; or

25 (b) If the circuit court determines that none of the terms of the
26 municipal court decision should be reversed or modified, the circuit
27 court shall render a judgment affirming the decision and remanding
28 the case to the municipal court for enforcement of the judgment.

29 (3) Notwithstanding subsection (2) of this section, in its discretion
30 and for good cause, the circuit court may render such judgment or
31 order as may be proper, including rendering a judgment containing all

1 necessary terms to be enforced as a judgment of the circuit court, and
2 may remand the case to the municipal court for further proceedings
3 in accordance with the decision of the circuit court.

4 (4) The trial court administrator of the circuit court shall provide
5 a copy of the circuit court's judgment to the municipal court:

6 (a) Within 40 days after the date of entry of the circuit court judg-
7 ment, if no party appeals from the judgment; or

8 (b) Within 10 days after receipt of the appellate judgment issued by
9 the appellate court resolving the appeal, if a party appeals the circuit
10 court judgment.

11 (5) If enforcement of the municipal court's judgment was stayed
12 pending disposition of an appeal to circuit court, the stay is automat-
13 ically vacated when the trial court administrator provides a copy of
14 the circuit court judgment to the municipal court under subsection (4)
15 of this section.

16 SECTION 43. Availability of writ of review. The right of a party in
17 a municipal court to appeal under sections 39 to 51 of this 2025 Act
18 may not be construed to prevent any party from seeking review in the
19 circuit court under ORS 34.010 to 34.100 for errors in law appearing on
20 the face of the judgment entered by the municipal court or the pro-
21 ceedings connected therewith or, in a proceeding charging a violation
22 or misdemeanor, an interlocutory order involving the constitutionality
23 of a statute.

24 SECTION 43a. Appeal and cross-appeal by the defendant. (1) Except
25 as provided in subsection (6) of this section, in a proceeding involving
26 a violation or misdemeanor, a defendant may appeal from:

27 (a) A judgment convicting the defendant of one or more charges
28 and imposing sentence, regardless of the type of sentence imposed.

29 (b) A judgment ordering payment of restitution but not specifying
30 the amount of restitution, or a supplemental judgment awarding
31 restitution.

1 **(c) A judgment or order imposing or executing a sentence upon re-**
2 **vocation of probation or sentence suspension.**

3 **(d) A judgment that is an amended or corrected version of a judg-**
4 **ment described in paragraphs (a) to (c) of this subsection.**

5 **(2) A defendant may appeal as provided in section 50 (3) of this 2025**
6 **Act.**

7 **(3) In a proceeding involving a violation, the defendant may appeal**
8 **an order denying a motion for relief from default under ORS 153.105.**

9 **(4) A defendant may cross-appeal when the prosecution appeals an**
10 **order prior to trial suppressing evidence as provided in section 44 (2)(c)**
11 **of this 2025 Act. The failure to file a cross-appeal under this subsection**
12 **does not waive a defendant's right to assign error to a particular rul-**
13 **ing of the municipal court on appeal from the judgment of conviction**
14 **and sentence.**

15 **(5) Whenever a person is convicted in the municipal court of any**
16 **city of an offense defined and made punishable by a city charter or**
17 **ordinance, that person has the same right of appeal to the circuit**
18 **court as for a conviction of an offense defined by state law.**

19 **(6) In all cases involving the constitutionality of the charter pro-**
20 **vision or ordinance under which the conviction was obtained as indi-**
21 **cated in subsection (5) of this section, such person shall have the right**
22 **of appeal to the circuit court in the manner provided in subsection (5)**
23 **of this section, regardless of any charter provision or ordinance pro-**
24 **hibiting appeals from the municipal court because of the amount of**
25 **the penalty or otherwise. An appeal may likewise be taken in such**
26 **cases from the judgment or final order of the circuit court to the**
27 **Court of Appeals in the same manner as other appeals are taken from**
28 **the circuit court to the Court of Appeals in other criminal cases.**
29 **Where the right of appeal in such cases depends on there being in-**
30 **volved an issue as to the constitutionality of the charter provision or**
31 **ordinance, the decision of the appellate court shall be upon such con-**

1 **stitutional issue only.**

2 **SECTION 44. Appeal by the state or city. (1)(a) The state or a city**
3 **may appeal as provided in subsection (2) of this section in a proceeding**
4 **involving a violation or misdemeanor defined by state law, in which**
5 **event the appeal is in the name of the state.**

6 **(b) The city may appeal as provided in subsection (2) of this section**
7 **in a proceeding involving a violation or misdemeanor defined by city**
8 **charter or ordinance, in which event the appeal is in the name of the**
9 **city.**

10 **(2) In a proceeding involving a violation or misdemeanor, the pros-**
11 **ecution may appeal from:**

12 **(a) An order made prior to trial dismissing or setting aside one or**
13 **more counts in the accusatory instrument.**

14 **(b) An order allowing a demurrer.**

15 **(c) An order made prior to trial suppressing evidence.**

16 **(d) An order made prior to trial for the return or restoration of**
17 **things seized.**

18 **(e) An order arresting the judgment.**

19 **(f) An order made after a guilty finding dismissing or setting aside**
20 **one or more counts in the accusatory instrument.**

21 **(g) An order granting a new trial.**

22 **(3) In a proceeding involving a violation, the prosecution may ap-**
23 **peal an order granting a defendant's motion for relief from default**
24 **under ORS 153.105.**

25 **(4) Notwithstanding subsection (2) of this section, the state or the**
26 **city may not appeal the dismissal of a violation by reason of a police**
27 **officer's failure to appear at the trial on the matter if the police officer**
28 **was timely provided with notice of the trial date.**

29 **SECTION 44a. Proceedings in the circuit court in general. Except**
30 **as provided in section 50 of this 2025 Act:**

31 **(1) On appeal of a matter in a case charging a violation or**

1 misdemeanor, the circuit court shall try the matter pursuant to the
2 statutes that prescribe the procedure for trial of violations or
3 misdemeanors, respectively, in the circuit court, except that the
4 prosecution may be handled by an attorney provided by the city that
5 enacted the ordinance or adopted the provision of a charter the de-
6 fendant was convicted of violating.

7 (2) On appeal by the defendant of a judgment of conviction and
8 sentence for a violation or misdemeanor defined by state law or by a
9 law enacted by a city, if the defendant is convicted, the circuit court
10 may impose any sentence within the limits prescribed by state law or
11 by charter or ordinance of the city. If the circuit court determines
12 that the defendant is guilty of a violation, the circuit court shall
13 comply with ORS 153.018, 153.019, 153.020 and 153.021 in imposing the
14 sentence.

15 SECTION 45. Scope of review in general of order or judgment other
16 than judgment of conviction and sentence. On appeal by the defendant
17 or the prosecution of an order or judgment other than the judgment
18 of conviction and sentence, except as otherwise specified by law, the
19 circuit court may review only the order or judgment from which the
20 appeal is taken and any issue necessary to decide the appeal, but may
21 receive and consider evidence as necessary to decide the matter anew.

22 SECTION 46. Scope of review in specific cases. (1) On appeal by a
23 defendant of any conviction based on a plea of guilty or no contest,
24 the circuit court shall treat the plea as though it was entered in and
25 accepted by the circuit court and sentence the defendant anew.

26 (2) At any sentencing proceeding in the circuit court, both parties
27 shall be bound by any sentencing agreement that the parties entered
28 into in the municipal court.

29 (3) On appeal by a defendant under section 43a (1)(b) of this 2025
30 Act, the circuit court shall sentence the defendant anew.

31 (4) On appeal by a defendant under section 43a (1)(d) of this 2025

1 **Act:**

2 (a) The circuit court shall proceed in the same manner as in an
3 appeal from the original judgment.

4 (b) Notwithstanding paragraph (a) of this subsection, if the appeal
5 of the amended or corrected judgment is filed after expiration of the
6 time period during which the original judgment could have been ap-
7 pealed, the circuit court may review only the amended or corrected
8 part of the judgment and any part of the judgment affected by the
9 amendment or correction.

10 (5)(a) On appeal by a defendant under section 43a (3) of this 2025
11 Act, or by the prosecution under section 44 (3) of this 2025 Act, the
12 circuit court shall determine whether to grant relief in accordance
13 with ORS 153.105 in the same manner as if the motion for relief had
14 been originally filed in circuit court.

15 (b) The circuit court may hear evidence or admit exhibits necessary
16 to make the determination on the matter.

17 **SECTION 47. Circuit court proceedings in specific appeals.** (1) On
18 appeal by the defendant of a judgment under section 43a (1)(a) or (d)
19 of this 2025 Act involving a misdemeanor, after the circuit court has
20 decided the appeal, and notwithstanding whether the circuit court af-
21 firms, reverses or modifies any term of the municipal court judgment,
22 the circuit court shall render a judgment as provided in section 42a
23 (2)(a) of this 2025 Act.

24 (2) On appeal by the defendant of a judgment under section 43a
25 (1)(a) or (d) of this 2025 Act involving a violation, if the circuit court
26 determines that no term of the municipal court judgment should be
27 reversed or modified, the circuit court shall render a judgment as
28 provided in section 42a (2)(b) or (3) of this 2025 Act.

29 (3) On appeal by the defendant of a judgment or order under section
30 43a (1)(b) or (c) of this 2025 Act, after the circuit court has decided the
31 appeal, the circuit court shall render a judgment disposing of as much

1 of the case as was tried before the circuit court.

2 (4)(a) On appeal by the defendant under section 43a (3) of this 2025
3 Act, if the circuit court determines that relief should be granted, the
4 circuit court shall vacate the judgment and:

5 (A) Remand the case to the municipal court for further pro-
6 ceedings; or

7 (B) Retain the case in the circuit court for further proceedings, if
8 the municipal court has adopted a rule described in paragraph (b) of
9 this subsection.

10 (b) A municipal court, with agreement of the presiding judge of the
11 circuit court of the county in which the municipal court is located,
12 may adopt a rule allowing a case described in paragraph (a) of this
13 subsection to remain in circuit court for further proceedings after the
14 municipal court judgment is vacated.

15 (5) On appeal by the prosecution under section 44 (2)(a) to (d) of this
16 2025 Act, after the circuit court has decided the matter appealed, and
17 notwithstanding section 45 of this 2025 Act, at the request of either
18 party, the circuit court shall take jurisdiction of the case, try the case
19 and render a judgment described in section 42a (2)(a) of this 2025 Act.
20 If neither party requests the circuit court to try the remainder of the
21 case, the circuit court shall render a judgment disposing of as much
22 of the case as was tried before the circuit court and remanding the
23 case to the municipal court for further proceedings.

24 (6) On appeal by the prosecution under section 44 (2)(e) to (g) of this
25 2025 Act, the circuit court shall render a judgment reflecting its deci-
26 sion and remanding the case to the municipal court.

27 (7) On appeal by the prosecution under section 44 (3) of this 2025
28 Act, if the circuit court determines that relief should not be granted,
29 the circuit court shall render a judgment vacating the municipal
30 court's order granting relief and remanding the case to the municipal
31 court for further proceedings.

1 **NOTE:** Section 48 was deleted. Subsequent sections were not renumbered.

2 **SECTION 49. Stay of enforcement of judgment.** (1) A defendant fil-
3 **ing notice of appeal from a judgment of conviction and sentence of a**
4 **misdemeanor described in this subsection does not stay enforcement**
5 **of the judgment unless the defendant:**

6 (a) If sentenced to confinement, executes a release agreement or
7 makes a security release deposit as provided in ORS 135.230 to 135.290;
8 or

9 (b) On conviction of a traffic crime as defined in ORS 801.545, gives
10 the security required by ORS 810.300 to 810.330 as an undertaking on
11 appeal.

12 (2) A defendant filing notice of appeal from a judgment involving a
13 violation does not automatically stay enforcement of the judgment.

14 (3) Nothing in this section is intended to affect the authority of the
15 municipal court or circuit court to stay enforcement of the judgment
16 under ORS 19.350, 138.285 or 138.295 or any other authority.

17 **SECTION 50. Validity of charter or ordinance provision determined**
18 **before merits.** (1) Whenever a defendant is charged under sections 39
19 to 51 of this 2025 Act with violating a provision of a city charter or
20 ordinance and the defendant challenges the validity of the charter or
21 ordinance provision, a municipal judge shall determine such issue and
22 enter an order thereon before deciding the case on its merits.

23 (2) If the municipal judge declares the charter or ordinance pro-
24 vision invalid, the city may appeal from the municipal court to the
25 circuit court. If the circuit court affirms the municipal court's deter-
26 mination, the city may appeal to the Court of Appeals as provided in
27 ORS 138.057 in a proceeding involving a violation, or as provided in
28 ORS 138.010 to 138.310 in a proceeding involving a misdemeanor. If a
29 city so appeals, while the appellate decision is pending, the defendant
30 shall be released, with or without bond, for reappearances at the dis-
31 cretion of the trial court until such time as the case is remanded.

1 **(3) If the municipal court declares the charter or ordinance pro-**
2 **vision valid, the municipal court may proceed to try the matter. If the**
3 **municipal court convicts the defendant of violating the charter or or-**
4 **dinance provision, the defendant may appeal the judgment of con-**
5 **viction as provided in section 51 of this 2025 Act.**

6 **SECTION 51. Appeal from circuit court to Court of Appeals; limi-**
7 **tations.** (1)(a) **The state or a city may appeal an order or judgment of**
8 **the circuit court to the Court of Appeals under sections 39 to 51 of this**
9 **2025 Act:**

10 **(A) In a proceeding involving a violation, as provided in ORS**
11 **138.057.**

12 **(B) In a proceeding involving a misdemeanor, as provided in ORS**
13 **138.010 to 138.310.**

14 **(b) In any case in which only a violation or violations are charged,**
15 **the state may not appeal from an order dismissing the case that is**
16 **entered by reason of a police officer’s failure to appear at the trial on**
17 **the matter if the police officer was timely provided with notice of the**
18 **trial date.**

19 **(2)(a) If the order or judgment of the circuit court being appealed**
20 **arises from a violation or misdemeanor defined by state law or a**
21 **traffic crime as defined in ORS 801.545, the defendant may appeal the**
22 **order or judgment to the Court of Appeals:**

23 **(A) In a proceeding involving a violation, as provided in ORS**
24 **138.057.**

25 **(B) In a proceeding involving a misdemeanor, as provided in ORS**
26 **138.010 to 138.310.**

27 **(b) The defendant may appeal an order or judgment arising from a**
28 **violation or misdemeanor defined by city charter or ordinance as pro-**
29 **vided in section 43a (5) and (6) of this 2025 Act.**

30 **(3)(a) The filing of a notice of an appeal from a judgment involving**
31 **a violation does not act to automatically stay the judgment.**

1 impaneled and sworn as a jury and the names of all witnesses sworn and at
2 whose request.

3 [(i)] **(j)** The verdict of the jury and when given or, if the jury disagrees
4 and is discharged without giving a verdict, a statement of such disagreement
5 and discharge.

6 [(j)] **(k)** The judgment of the court and when [given] **signed**.

7 [(k)] *The date on which any judgment is docketed in the docket.*

8 (L) *[The fact of an appeal having been made and allowed, and the date*
9 *thereof, with a memorandum of the]* **The date of filing of the notice of**
10 **appeal, any** undertaking[,] and [the] **any** justification of the sureties.

11 (m) Satisfaction of the judgment or any part thereof.

12 (n) A memorandum of all orders relating to security release.

13 (o) All other [matters] **information** that may be material or specially re-
14 quired by any statute, **court order or rule**.

15 [(2) *The docket of a municipal court under this section may be maintained*
16 *in electronic form.*]

17 **(3)(a) The case file consists of every document filed with or by the**
18 **clerk of the court or court administrator, in any action, suit or pro-**
19 **ceeding in the court or before the judge.**

20 **(b) The case file also includes any audio recording or stenographic**
21 **or other reporting of any municipal court proceeding made pursuant**
22 **to ORS 221.358, if all parties agree that the recording or other report-**
23 **ing is the official record of the proceeding and the recording or other**
24 **reporting has been filed with the court.**

25 **(4) A municipal court may maintain its docket or case files, or both,**
26 **in electronic form.**

27

28 **(Repeals)**

29

30 **SECTION 53. ORS 221.359, 221.360, 221.370, 221.380 and 221.390 are**
31 **repealed.**

(Conforming Amendments)

SECTION 54. ORS 221.343 is amended to read:

221.343. (1) Any municipal court that has become a court of record under ORS 221.342 may cease to operate as a court of record only if the governing body of the city in which the court is located files a declaration with the Supreme Court identifying the date on which the municipal court will cease operation as a court of record. The date identified in the declaration may not be less than 31 days after the date the declaration is filed.

(2) The Supreme Court may not charge a fee for filing a declaration under subsection (1) of this section. Not later than 30 days after a declaration is filed under subsection (1) of this section, the Supreme Court shall enter an order acknowledging the filing of the declaration and give notice of the order of acknowledgment to the city and the public.

(3) The appeal from a judgment entered in a municipal court after the date identified in the declaration filed under this section shall be as provided in [ORS 221.359 (1) and (2)] **sections 39 to 51 of this 2025 Act.**

CAPTIONS

SECTION 55. The unit and section captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

OPERATIVE DATE

SECTION 56. (1)(a) Sections 2, 3, 4, 5, 6a to 30 and 30c of this 2025 Act, the amendments to ORS 19.240, 21.135, 21.160, 51.028, 51.050, 55.110, 138.005, 138.057, 138.081, 138.090, 153.105, 156.080 and 156.705 by sections 1, 1a, 3a, 6, 30a, 30d to 34 and 35a to 35c of this 2025 Act and the repeal

1 of ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010,
2 53.020, 53.030, 53.040, 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110,
3 53.120, 53.125, 53.130, 55.120, 157.005, 157.010, 157.020, 157.030, 157.040,
4 157.050, 157.060, 157.065 and 157.070 by section 35 of this 2025 Act become
5 operative on January 1, 2026.

6 (b) Sections 37 to 51 of this 2025 Act, the amendments to ORS 221.343
7 and 221.352 by sections 52 and 54 of this 2025 Act and the repeal of ORS
8 221.359, 221.360, 221.370, 221.380 and 221.390 by section 53 of this 2025 Act
9 become operative on January 1, 2026.

10 (2) The Judicial Department and any justice or municipal court may
11 take any action before the operative date specified in subsection (1)
12 of this section that is necessary to enable the department and courts
13 to exercise, on and after the operative date specified in subsection (1)
14 of this section, all of the duties, functions and powers conferred on the
15 department and courts by the provisions of this 2025 Act.

16

17

EFFECTIVE DATE

18

19 SECTION 57. This 2025 Act takes effect on the 91st day after the
20 date on which the 2025 regular session of the Eighty-third Legislative
21 Assembly adjourns sine die.

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