

HB 2324 STAFF MEASURE SUMMARY

Carrier: Rep. Andersen

House Committee On Judiciary

Action Date: 01/26/23

Action: Do Pass.

Vote: 10-0-0-0

Yeas: 10 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Lucy Ohlsen, LPRO Analyst

Meeting Dates: 1/19, 1/26

WHAT THE MEASURE DOES:

Modifies requirements for submitting a timely and valid notice of appeal by mail.

ISSUES DISCUSSED:

- Need for clarification of statutory language in Oregon Rules of Appellate Procedure given recent Oregon Supreme Court opinion
- Kind of proof sufficient to show date of mailing
- Concern about usage of Pitney Bowes machine for mailing appeals

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2020, the Oregon Supreme Court ruled in *State v. Chapman*, that the use of first class mail satisfies the proof of mailing requirement for initiating an appeal by mail pursuant to ORS 19.260. No document showing proof of mailing, apart from having proof by virtue of a postmark on the envelope containing the notice of appeal, is required.

House Bill 2324 would modify ORS 19.260 to codify the ruling in *Chapman*, clarifying that no additional proof beyond a postmark is required to satisfy the proof of mailing requirement.