

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 807

By COMMITTEE ON RULES

June 8

1 On page 2 of the printed A-engrossed bill, delete lines 6 through 21 and insert:

2 “(7)(a) If a party, attorney, law firm, district attorney’s office, defense consortium or public
3 defender’s office files a motion or series of motions under subsection (1) of this section or ORS
4 14.270 against an elected judge that effectively denies the judge assignment to a criminal or juvenile
5 delinquency docket in any county within the judge’s judicial district, the judge moved against may
6 request a hearing before a disinterested judge. For a hearing under this subsection, the disinterested
7 judge may not be from the same judicial district as the judge moved against. The party, attorney,
8 law firm, district attorney’s office, defense consortium or public defender’s office may file a supple-
9 mental affidavit providing specific grounds for a reasonable good faith belief that the judge lacks
10 fairness or impartiality.

11 “(b) The disinterested judge shall make an objective inquiry as to:

12 “(A) Whether the motion or series of motions effectively denies the judge assignment to a
13 criminal or juvenile delinquency docket in any county within the judge’s judicial district; and

14 “(B) Whether there is a reasonable good faith belief that the judge lacks fairness or impartiality.
15 The burden of proof under this subparagraph is on the party, attorney, law firm, district attorney’s
16 office, defense consortium or public defender’s office filing the motion under subsection (1) of this
17 section or ORS 14.270.

18 “(c) If the inquiry establishes that the motion or series of motions does not effectively deny the
19 judge assignment to a criminal or juvenile delinquency docket, the motion shall be decided under
20 subsection (1) of this section.

21 “(d) If the inquiry establishes that the motion or series of motions effectively denies the judge
22 assignment to a criminal or juvenile delinquency docket and establishes a reasonable good faith
23 belief that the judge lacks fairness or impartiality, the motion shall be granted.

24 “(e) If the inquiry establishes that the motion or series of motions effectively denies the judge
25 assignment to a criminal or juvenile delinquency docket and does not establish a reasonable good
26 faith belief that the judge lacks fairness or impartiality, the motion shall be denied.

27 “(f) The Chief Justice may issue rules to implement this subsection.”
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