

Enrolled
Senate Bill 234

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CHAPTER

AN ACT

Relating to demographic data requested for justice system purposes; amending ORS 1.002.

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

SECTION 1. ORS 1.002, as amended by section 8, chapter 68, Oregon Laws 2022, is amended to read:

1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of government in this state. The Chief Justice of the Supreme Court is the presiding judge of the court and the administrative head of the judicial department of government in this state. The Chief Justice shall exercise administrative authority and supervision over the courts of this state consistent with applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate exercise of that administrative authority and supervision, may:

- (a) Make rules and issue orders appropriate to that exercise.
- (b) Require appropriate reports from the judges, other officers and employees of the courts of this state and municipal courts.
- (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or reassign on a temporary basis all judges of the courts of this state to serve in designated locations within or without the county or judicial district for which the judge was elected.
- (d) Set staffing levels for all courts of the state operating under the Judicial Department and for all operations in the Judicial Department.
- (e) Establish time standards for disposition of cases.
- (f) Establish budgets for the Judicial Department and all courts operating under the Judicial Department.
- (g) Assign or reassign all court staff of courts operating under the Judicial Department.
- (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish personnel rules and policies for judges of courts operating under the Judicial Department.
- (i) Establish procedures for closing courts in emergencies.
- (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS 174.120 and other rules and laws that refer to periods of time when courts are closed.
- (k) Take any other action appropriate to the exercise of the powers specified in this section and other law, and appropriate to the exercise of administrative authority and supervision by the Chief Justice over the courts of this state.

(2) The Chief Justice may make rules for the use of electronic applications in the courts, including but not limited to rules relating to any of the following:

- (a) Applications based on the use of the Internet and other similar technologies.
- (b) The use of an electronic document, or use of an electronic image of a paper document in lieu of the original paper copy, for any record of the courts maintained under ORS 7.095 and for any document, process or paper that is served, delivered, received, filed, entered or retained in any action or proceeding.
- (c) The use of electronic signatures or another form of identification for any document, process or paper that is required by any law or rule to be signed and that is:
 - (A) Served, delivered, received, filed, entered or retained in any action or proceeding; or
 - (B) Maintained under ORS 7.095.
- (d) The use of electronic transmission for:
 - (A) Serving documents in an action or proceeding, other than a summons or an initial complaint or petition;
 - (B) Filing documents with a court; and
 - (C) Providing certified electronic copies of court documents and other Judicial Department records to another person or public body.
- (e) Payment of statutory or court-ordered monetary obligations through electronic media.
- (f) Electronic storage of court documents.
- (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770, including use of electronic citations for parking ordinance violations that are subject to ORS 221.333 or 810.425.
- (h) Public access through electronic means to court documents that are required or authorized to be made available to the public by law.
- (i) Transmission of open court proceedings through electronic media.
- (j) Electronic transmission and electronic signature on documents relating to circuit court jurors under ORS 10.025.

(3)(a) The Chief Justice may make rules relating to the data that state courts may require parties and other persons to submit for the purpose of distinguishing particular persons from other persons, **gathering demographic information or identifying and evaluating disparities and impacts in the justice system in Oregon.**

(b) **The Board of Governors of the Oregon State Bar shall formulate rules relating to the data that the Oregon State Bar may require persons to submit for purposes of distinguishing particular persons from other persons, gathering demographic information or identifying and evaluating disparities and impacts in the justice system in Oregon. Rules adopted under this paragraph are subject to review and approval by the Supreme Court.**

(c) If the rules **described in this subsection** require the submission of data that [*state or*] federal law does not require [*that the courts make*] **be made** public, the rules may [*also*] require courts [*to keep the data confidential*] **or the Oregon State Bar to maintain the data confidentially** and not release the data except pursuant to a court order issued for good cause shown. Data that is made confidential under the rules is not subject to disclosure under ORS 192.311 to 192.478. **Rules described in this subsection may permit the release of data in the aggregate in a manner that does not identify any individual person.**

(4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent with the laws governing courts and court procedures, but any person who serves, delivers, receives, files, enters or retains an electronic document, or an electronic image of a paper document in lieu of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection (2) of this section shall be considered to have complied with any rule or law governing service, delivery, reception, filing, entry or retention of a paper document.

(5)(a) Notwithstanding any other statute or rule to the contrary, the Chief Justice may direct or permit any appearance before a court or magistrate to be by telephone, other two-way electronic communication device or simultaneous electronic transmission.

(b) If an appearance is set to occur by electronic means as described in paragraph (a) of this subsection, a presiding judge may instead order that the appearance be in person if, upon the re-

quest of a party, the presiding judge determines that there is a particular need for an in-person hearing or that a party has a constitutional right to an in-person hearing.

(c) The presiding judge may delegate the authority described in this subsection to another judge of the court.

(d) Nothing in this subsection affects the rights of a defendant under the Oregon and United States Constitutions.

(6)(a) As used in this subsection, "period of statewide emergency" means the period of time during which any declaration of a state of emergency under ORS 401.165, public health emergency under ORS 433.441 or catastrophic disaster under Article X-A, section 1, of the Oregon Constitution, issued by the Governor, and any extension of the declaration, is in effect, and continuing for 60 days after the declaration and any extension is no longer in effect.

(b) During a period of statewide emergency, and upon a finding of good cause, the Chief Justice may extend or suspend any time period or time requirement established by statute or rule, other than ORS 133.060, 136.290 or 136.295, that:

(A) Applies in any case, action or proceeding after the case, action or proceeding is initiated in any circuit court, the Oregon Tax Court, the Court of Appeals or the Supreme Court;

(B) Applies to the initiation of an appeal to the magistrate division of the Oregon Tax Court or an appeal from the magistrate division to the regular division;

(C) Applies to the initiation of an appeal or judicial review proceeding in the Court of Appeals; or

(D) Applies to the initiation of any type of case or proceeding in the Supreme Court.

(c)(A) Notwithstanding ORS 125.150 (3), during a period of statewide emergency, the Chief Justice may direct or permit that any interview of a person described in ORS 125.150 (3) by a visitor appointed by the court be conducted by telephone, other two-way electronic communication device or simultaneous electronic transmission.

(B) The presiding judge may delegate the authority described in this paragraph to another judge of the court.

(d) Nothing in this subsection affects the rights of a defendant under the Oregon and United States Constitutions.

(7) Rules made and orders issued by the Chief Justice under this section shall permit as much variation and flexibility in the administration of the courts of this state as are appropriate to the most efficient manner of administering each court, considering the particular needs and circumstances of the court, and consistent with the sound and efficient administration of the judicial department of government in this state.

(8)(a) The Chief Justice may establish reasonable fees for the use of the Oregon Judicial Case Information Network, including fees for electronic access to documents.

(b)(A) Before permanently adopting or increasing fees under this subsection, the Chief Justice shall provide notice to interested persons and allow a reasonable opportunity for comment.

(B) Before temporarily adopting or increasing fees under this subsection, the Chief Justice shall provide notice to interested persons.

(C) The Chief Justice shall by order establish a process for notice and comment under this paragraph.

(c) Fees adopted under this subsection must be reasonably calculated to recover or offset costs of developing, maintaining, supporting or providing access to or use of state court electronic applications and systems.

(9) The judges, other officers and employees of the courts of this state shall comply with rules made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge thereof, relating to the conduct of the business of the court shall be consistent with applicable rules made and orders issued by the Chief Justice.

(10) The Chief Judge of the Court of Appeals and the presiding judge of each judicial district of this state are the administrative heads of their respective courts. They are responsible and accountable to the Chief Justice of the Supreme Court in the exercise of their administrative authority

and supervision over their respective courts. Other judges of the Court of Appeals or court under a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and to the Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of administrative authority and supervision.

(11) The Chief Justice may delegate the exercise of any of the powers specified by this section to the presiding judge of a court, and may delegate the exercise of any of the administrative powers specified by this section to the State Court Administrator, as may be appropriate.

(12) This section applies to justices of the peace and the justice courts of this state solely for the purpose of disciplining of justices of the peace and for the purpose of continuing legal education of justices of the peace.

Passed by Senate February 15, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 18, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State