

**Enrolled**  
**Senate Bill 98**

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CHAPTER .....

AN ACT

Relating to court processes; creating new provisions; amending ORS 1.002, 1.006, 2.150, 5.125, 10.050, 10.245, 14.110, 19.235, 19.270, 19.450, 24.125, 25.091, 25.100, 25.110, 34.250, 105.164, 107.097, 107.445, 107.449, 109.787, 305.450 and 802.530; and declaring an emergency.

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

**TRANSMITTING APPELLATE JUDGMENTS**

**SECTION 1.** ORS 19.235 is amended to read:

19.235. (1) Notwithstanding ORS 19.270, if any party or the trial court on its own motion, on receiving actual notice of the filing of the notice of appeal, raises the issue whether the decision being appealed is appealable, the trial court shall have jurisdiction to make a summary determination, with or without a hearing, whether the decision is appealable. As used in this section, “decision” means any trial court ruling, either oral or written.

(2) If the trial court determines that the decision is not appealable, the trial court, in its discretion, may proceed through entry of judgment or stay proceedings pending an appellate court determination of the existence of an appealable decision. The trial court may refer the question of the existence of an appealable decision to the court to which the appeal is taken. Neither an order by the trial court to proceed through entry of judgment, an order by the trial court to stay proceedings pending an appellate court determination, nor a trial court referral of the question of the existence of an appealable decision to the appellate court is appealable. However, on motion of any party or on its own motion the appellate court may stay proceedings in the trial court or stay any order or judgment entered by the trial court pending a final determination of appealability.

(3) When a party by motion, the trial court by referral or the appellate court on its own motion raises the issue whether the decision is appealable, the appellate court may make a summary determination of the appealability of the decision. A summary determination of the appealability of a decision under this subsection is subject to review by the Supreme Court as provided in ORS 2.520 except that the petition for review shall be served and filed within 14 days after the date of the court’s determination. Either the Court of Appeals or the Supreme Court may shorten the time period within which the petition for review shall be filed. A petition for review of a determination under this subsection shall not be treated as a request for reconsideration by the Court of Appeals. The Supreme Court shall expedite its review of the Court of Appeals’ summary determination under this subsection.

(4)(a) The trial court's authority to proceed with a case under subsection (2) of this section shall end when the appellate court has made an express determination that an appeal has been taken from an appealable order or judgment, all means for obtaining review of that determination under subsection (3) of this section have been exhausted, and the State Court Administrator at the direction of the court has [mailed] **sent** copies of the final appellate court determination to the trial court and the parties; otherwise, the trial court's jurisdiction shall continue.

(b) No action by the trial court taken pursuant to subsections (1) and (2) of this section, except for entry of judgment, shall be void solely because an appellate court later determines that a notice of appeal was filed from an appealable decision.

**SECTION 2.** ORS 34.250 is amended to read:

34.250. (1) The provisions of this section apply only to the exercise of the Supreme Court's original jurisdiction in mandamus proceedings that challenge the actions of judges in particular cases in the circuit courts, the Oregon Tax Court or the Court of Appeals. The provisions of this section do not apply to the exercise of the Supreme Court's original jurisdiction in mandamus proceedings that challenge the administrative action of a judge or court, or that challenge other action of a judge or court that is of an institutional nature. To the extent that any provision of ORS 34.105 to 34.240 is inconsistent with the provisions of this section, the provisions of this section govern in mandamus proceedings subject to this section.

(2) The case title of a petition in a mandamus proceeding that is subject to this section must be the same as the case title of the proceeding in the lower court, except that the relator must be designated as "relator" in addition to the relator's designation in the lower court, and any party who is adverse to the relator must be designated as "adverse party" in addition to that party's designation in the lower court. The petition must not name as a party to the mandamus proceeding the lower court or the judge whose action is challenged.

(3) The relator must serve a copy of the petition on all parties who have appeared in the lower court case and on the judge or court whose action is being challenged.

(4) The judge or court whose action is challenged in the mandamus proceeding may seek to intervene in the mandamus proceeding if the judge or court wishes to assert an interest separate from the parties. If the Supreme Court allows the judge or court to intervene, the judge or court shall be designated as "intervenor" in the mandamus proceeding.

(5) If the Supreme Court elects to issue an alternative writ of mandamus, the Supreme Court shall issue an order allowing the petition. The order may be issued in combination with the alternative writ of mandamus. The State Court Administrator shall [mail] **send** copies of the Supreme Court's order and alternative writ of mandamus to the relator, to the adverse party, to any intervenor, and to the judge or court whose action is challenged in the petition. Proof of service of an alternative writ need not be filed with the Supreme Court, and the judge or court to which the writ is issued need not file a return unless the alternative writ specifically requires a return.

(6) At any time after the filing of the petition for writ of mandamus or issuance of the alternative writ of mandamus, if the judge or court whose action is being challenged performs the act sought in the petition or required by the alternative writ, the relator shall notify the Supreme Court that the judge or court has complied. The judge, the court, or any other party to the lower court case may also give notice to the Supreme Court of the compliance. On motion of any party or on its own motion, the Supreme Court may dismiss a mandamus proceeding after receiving the notice provided for in this subsection.

(7) If the judge or court to whom the alternative writ of mandamus is directed does not perform the act required by the writ, the mandamus proceeding will proceed to briefing and oral argument as provided in the rules of the Supreme Court or as directed by the Supreme Court. An answer or other responsive pleading need not be filed by any party to the proceeding unless the alternative writ specifically requires the filing of an answer or other responsive pleading.

(8) If the Supreme Court has determined that the relator is entitled to a peremptory writ of mandamus, the court shall direct the State Court Administrator to issue a peremptory writ of mandamus. The peremptory writ of mandamus may be combined with the appellate judgment. If a

combined peremptory writ of mandamus and an appellate judgment issue, the relator need not file proof of service of the writ with the court, and the judge or court to which the writ is issued need not file a return showing compliance with the writ.

(9) The State Court Administrator shall issue an appellate judgment showing the Supreme Court's disposition of the matter, as provided in the rules of the Supreme Court, if:

(a) The court has issued an alternative or peremptory writ of mandamus, the mandamus proceeding is concluded and all issues in the proceeding have been decided; or

(b) The court has not issued a writ of mandamus, but the court has awarded costs and disbursements or attorney fees in the proceeding.

**SECTION 3.** ORS 19.270 is amended to read:

19.270. (1) The Supreme Court or the Court of Appeals has jurisdiction of the cause when the notice of appeal has been served and filed as provided in ORS 19.240, 19.250 and 19.255. The trial court may exercise those powers in connection with the appeal as are conferred by law, and retains jurisdiction in the matter for the following purposes:

(a) Deciding requests for attorney fees, costs and disbursements or expenses pursuant to ORCP 68 or other provision of law.

(b) Enforcing the judgment, subject to any stay of the judgment.

(c) Deciding a motion for judgment notwithstanding the verdict under ORCP 63.

(d) Deciding a motion for new trial under ORCP 64.

(e) Deciding a motion for relief from judgment under ORCP 71 B.

(2) The following requirements of ORS 19.240, 19.250 and 19.255 are jurisdictional and may not be waived or extended:

(a) Service of the notice of appeal on all parties identified in the notice of appeal as adverse parties or, if the notice of appeal does not identify adverse parties, on all parties who have appeared in the action, suit or proceeding, as provided in ORS 19.240 (2)(a), within the time limits prescribed by ORS 19.255.

(b) Filing of the original of the notice of appeal with the Court of Appeals as provided in ORS 19.240 (3), within the time limits prescribed by ORS 19.255.

(3) After the Supreme Court or the Court of Appeals has acquired jurisdiction of the cause, the omission of a party to perform any of the acts required in connection with an appeal, or to perform such acts within the time required, shall be cause for dismissal of the appeal. In the event of such omission, the court, on motion of a party or on its own motion may dismiss the appeal. An appeal dismissed on a party's motion or on the court's own motion may be reinstated upon showing of good cause.

(4) Notwithstanding the filing of a notice of appeal, the trial court has jurisdiction, with leave of the appellate court, to enter an appealable judgment or order if the appellate court determines that:

(a) At the time of the filing of the notice of appeal the trial court intended to enter an appealable judgment or order; and

(b) The judgment or order from which the appeal is taken is defective in form or was entered at a time when the trial court did not have jurisdiction of the cause under subsection (1) of this section, or the trial court had not yet entered an appealable judgment or order.

(5) Notwithstanding the filing of a notice of appeal, the trial court has jurisdiction:

(a) To enter in the trial court register a judgment or order that the trial judge signed before the notice of appeal was filed;

(b) To enter an order or supplemental judgment under ORCP 71 or ORS 19.275, 107.105 (4) or 107.452; and

(c) To enter an order or supplemental judgment for the purpose of implementing a settlement as allowed by ORS 19.410 (3).

(6) Jurisdiction of the appellate court over a cause ends when a copy of the appellate judgment is [mailed] sent by the State Court Administrator to the court from which the appeal was taken pursuant to ORS 19.450, except that the appellate court may:

- (a) Recall the appellate judgment as justice may require;
- (b) Stay enforcement of the appellate judgment to allow the filing of a petition for writ of certiorari to the Supreme Court of the United States; and
- (c) Stay enforcement of the appellate judgment pending disposition of the matter by the Supreme Court of the United States or for such other time as the Oregon appellate court may deem appropriate.

(7) If a limited or supplemental judgment is appealed, the jurisdiction of the appellate court is limited to the matters decided by the limited or supplemental judgment, and the trial court retains jurisdiction over all other matters in the proceeding.

(8) After jurisdiction of the appellate court ends, all orders which may be necessary to carry the appellate judgment into effect shall be made by the court from which the appeal was taken.

**SECTION 4.** ORS 19.450 is amended to read:

19.450. (1) As used in this section:

(a) **“Appellate judgment” means the decision of the Court of Appeals or Supreme Court, or such portion of the decision as may be specified by the rule of the Supreme Court or the Court of Appeals, together with an award of attorney fees or allowance of costs and disbursements, if any.**

*[(a)]* (b) “Decision” means a memorandum opinion, an opinion indicating the author or an order denying or dismissing an appeal issued by the Court of Appeals or the Supreme Court. The decision shall state the court’s disposition of the judgment being appealed, and may provide for final disposition of the cause. The decision shall designate the prevailing party or parties, state whether a party or parties will be allowed costs and disbursements, and if so, by whom the costs and disbursements will be paid.

*[(b)]* “Appellate judgment” means the decision of the Court of Appeals or Supreme Court, or such portion of the decision as may be specified by the rule of the Supreme Court, together with an award of attorney fees or allowance of costs and disbursements, if any.]

(2) As to appeals from circuit and tax courts, the appellate judgment is effective when a copy of the appellate judgment is entered in the court’s register and *[mailed]* **sent** by the State Court Administrator to the court from which the appeal was taken. When the State Court Administrator *[mails]* **sends** a copy of the appellate judgment to the court from which the appeal was taken, the administrator also shall *[mail]* **send** a copy to the parties to the appeal.

(3) If a new trial is ordered, upon the receipt of the appellate judgment by the trial court administrator for the court below, the trial court administrator shall enter the appellate court’s decision in the register of the court below and thereafter the cause shall be deemed pending for trial in such court, according to the directions of the court which rendered the decision. If a new trial is not ordered, upon the receipt of the appellate judgment by the trial court administrator, a judgment shall be entered in the register according to the directions of the court which rendered the decision, in like manner and with like effect as if the same was given in the court below.

(4) A party entitled to enforce an undertaking may obtain judgment against a surety by filing a request with the State Court Administrator and serving a copy of the request on the other parties and the surety. The request must identify the surety against whom judgment is to be entered and the amount of the judgment sought to be imposed against the surety. Unless otherwise directed by the appellate court, upon receiving the request the State Court Administrator shall include in the appellate judgment a judgment against the surety in the amount specified.

(5) If the appellate judgment terminating an appeal contains a judgment against a surety for an undertaking, the trial court administrator shall enter the judgment against the surety in like manner and with like effect as if the judgment was given in the court below.

(6) Except as provided in ORS 18.154, an appeal does not discharge the lien of a judgment and unless the judgment is reversed, the lien of the judgment merges with and continues in the affirmed or modified judgment given on appeal, from the time of the entry of the judgment in the court below. The lien of any judgment created by recording a certified copy of the judgment or a lien record

abstract continues in force in the same manner as the original judgment lien as provided in this subsection.

## **AWARDING ATTORNEY FEES IN CONTEMPT PROCEEDINGS**

**SECTION 5.** ORS 107.445 is amended to read:

107.445. In any proceeding brought under ORS 107.095, 108.110 and 108.120, and in any contempt proceeding [*in any suit for*] **to enforce an order or judgment entered in a** marital annulment, dissolution or separation **proceeding**, the court may render [*a*] **an order or** judgment awarding to a party, or directly to the party's attorney, a sum of money determined to be reasonable as an attorney fee at trial and on appeal therein. When a district attorney initiates or prosecutes a proceeding pursuant to ORS 33.015 to 33.155 for enforcement of a restraining order issued under ORS 107.716, 107.718, 124.015 or 124.020 or for enforcement of a support order, the court may enter [*a*] **an order or** judgment for a reasonable attorney fee to be paid by the respondent to the county in which the district attorney holds office. [*A*] **An order or** judgment so entered is enforceable by the party or attorney in whose favor the **order or** judgment is given against property of the other party or against any property held jointly or in common between the parties.

## **TAX COURT JUDGE AS PRESIDING JUDGE; RULEMAKING**

**SECTION 6.** ORS 1.002 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, **including rules made pursuant to authority delegated by the Supreme Court under ORS 1.006.**

(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 federal law does not require be made public, the rules may require courts 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 request 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, **the judge of the Oregon Tax Court** 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], **magistrates of the Oregon Tax Court and other judges of a court**

under a presiding judge are responsible and accountable to the Chief Judge, **the judge of the Oregon Tax Court** or presiding judge, and to the Chief Justice, in respect to exercise by the Chief Justice, Chief Judge, **judge of the Oregon Tax Court** 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.

**SECTION 7.** ORS 1.006 is amended to read:

1.006. (1) The Supreme Court may prescribe by rule the form of written process, notices, motions and pleadings used or submitted in civil proceedings and criminal proceedings in the courts of this state. The rules shall be designed to prescribe standardized forms of those writings for use throughout the state. The forms so prescribed shall be consistent with applicable provisions of law and the Oregon Rules of Civil Procedure. The form of written process, notices, motions and pleadings submitted to or used in the courts of this state shall comply with rules made under this section.

[*(2) The Supreme Court may prescribe by rule the manner of filing of pleadings and other papers submitted in civil proceedings with the courts of this state by means of a telephonic facsimile communication device. The manner so prescribed shall be consistent with applicable provisions of law and the Oregon Rules of Civil Procedure.*]

**(2) The Supreme Court may delegate the authority granted in subsection (1) of this section to the Chief Justice.**

**SECTION 8.** ORS 802.530 is amended to read:

802.530. The Department of Transportation is authorized to enter into bilateral or multilateral reciprocal agreements with other jurisdictions to provide mutual assistance in the disposition of traffic offenses committed by residents of one jurisdiction while in another jurisdiction. Agreements authorized by this section are subject to the following:

(1) An agreement may provide for the sharing of information between and among jurisdictions concerning driving records, vehicle registration records and records concerning the granting, denial, revocation or suspension of driving privileges.

(2) An agreement may provide that a jurisdiction will suspend the driving privileges of a resident of the jurisdiction if the resident does not comply with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

(3) An agreement may provide that a jurisdiction will refuse to issue or renew a driver license or permit or to issue a duplicate or replacement license or permit for a resident of the jurisdiction if the resident does not comply with the requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

(4) An agreement may be limited to certain traffic offenses.

(5) An agreement may provide for the establishment of fees for and collection of fees from persons cited for traffic offenses or convicted of traffic offenses who are subject to the terms of the agreement. Any agency of this state that participates in a program established by an agreement authorized by this section is granted authority to establish fees for and collect fees from persons subject to an agreement. Fees established for purposes of this subsection must be established by rule. No fee established for purposes of this subsection may exceed an amount necessary to recover the actual cost incurred by participation in the program established by the agreement.

(6) An agreement may provide that residents of one jurisdiction who are issued citations for traffic offenses in another jurisdiction will be released on recognizance without requirement of security deposit or bail. Nothing in this subsection authorizes an agreement that prohibits a court from releasing on security release, as defined in ORS 135.230, a person charged with a traffic crime.



(7) An agreement may provide that one jurisdiction will act as agent for another jurisdiction in the disposition of traffic offenses committed in the other jurisdiction. No provision described under this subsection may be established that requires the participation of courts of this state unless the [Oregon Supreme Court] **Chief Justice of the Supreme Court** establishes rules under ORS 1.002 to provide procedures for court participation.

(8) No agreement may be established under this section to provide for assistance in dealing with:

- (a) Offenses other than traffic offenses.
- (b) Parking offenses.
- (c) Bicycle offenses.
- (d) Pedestrian offenses.

(9) Any agreement established under this section must provide that this state may withdraw from the agreement upon notice of not more than 90 days.

(10) An agreement may include any other provision that the department determines will assist in the disposition of traffic offenses committed by residents of one jurisdiction while in another jurisdiction or will increase the convenience for residents of this state in complying with requirements and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

(11) The department may adopt rules necessary to implement any agreement established under this section.

(12) The department must submit a report on any agreement proposed under this section to the presiding officers of each house of the Oregon Legislative Assembly at least 30 days before the agreement may take effect. An agreement described under this section cannot take effect in this state unless the department complies with this subsection.

## **REGISTRATION OF FOREIGN JUDGMENTS**

**SECTION 9.** ORS 109.787 is amended to read:

109.787. (1) A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to any circuit court in this state:

- (a) A letter or other document requesting registration;
- (b) The filing fee established under ORS 21.145;
- (c) [Two copies, including] One certified copy[,] of the determination sought to be registered and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and
- (d) Except as otherwise provided in ORS 109.767, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody, parenting time or visitation in the child custody determination sought to be registered.

(2) On receipt of the documents required by subsection (1) of this section, the registering court shall cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form.

(3) The person seeking registration of a child custody determination shall serve notice upon the persons named under subsection (1)(d) of this section notifying them of the opportunity to contest the registration in accordance with this section.

(4) The notice required by subsection (3) of this section must state that:

- (a) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;
- (b) A hearing to contest the validity of the registered determination must be requested within 21 days after service of notice; and
- (c) Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(5) A person seeking to contest the validity of a registered order must request a hearing within 21 days after service of the notice and pay the filing fee established under ORS 21.145. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(a) The issuing court did not have jurisdiction under ORS 109.741 to 109.771;

(b) The child custody determination sought to be registered has been vacated, stayed or modified by a court having jurisdiction to do so under ORS 109.741 to 109.771; or

(c) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of ORS 109.724, in the proceedings before the court that issued the order for which registration is sought.

(6) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

(7) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

### **DECLARATION FOR FILING FOR CHANGE OF VENUE**

**SECTION 10.** ORS 14.110 is amended to read:

14.110. (1) The court or judge thereof may change the place of trial, on the motion of either party to an action or suit, when it appears from the affidavit **or declaration under penalty of perjury in the form required by ORCP 1 E** of such party that the motion is not made for the purpose of delay and:

(a) That the action or suit has not been commenced in the proper county;

(b) That the judge is a party to, or directly interested in the event of the action or suit, or connected by consanguinity or affinity within the third degree, with the adverse party or those for whom the adverse party prosecutes or defends;

(c) That the convenience of witnesses and the parties would be promoted by such change; or

(d) In an action, that the judge or the inhabitants of the county are so prejudiced against the party making the motion that the party cannot expect an impartial trial before the judge or in the county, as the case may be.

(2) When the moving party in an action is a nonresident of the county, the affidavit **or declaration** required under this section may be made by anyone on behalf of the moving party.

### **DECLARATION FOR FILING FOREIGN JUDGMENT**

**SECTION 11.** ORS 5.125 is amended to read:

5.125. In the county court there shall be charged and collected in advance by the county clerk as clerk of the court, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) Making transcription from the judgment docket, \$4.

(2) Filing and entering transcript of judgment, \$4.

(3) Filing and docketing copy of foreign judgment and affidavit **or declaration** filed as provided in ORS 24.115 and 24.125, \$25.

(4) Issuing writs of execution or writs of garnishment, \$3 for each writ.

(5) Preparing clerk's certificate of satisfaction of judgment, \$3.75.

(6) For any service not enumerated in this section, the fees provided or established under ORS 205.320.

**SECTION 12.** ORS 24.125 is amended to read:

24.125. (1) At the time of the filing of the foreign judgment, the judgment creditor or the creditor's lawyer shall make and file with the clerk of the court an affidavit **or declaration under**

**penalty of perjury in the form required by ORCP 1 E** setting forth the names and last-known post-office addresses of the judgment debtor and the judgment creditor, together with [a *separate statement containing*] the information required to be contained in a judgment under ORS 18.042.

(2) Promptly after filing the foreign judgment and the affidavit **or declaration**, the judgment creditor must mail notice of the filing of the foreign judgment to the judgment debtor. The notice shall include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. The judgment creditor must file with the court proof of mailing the notice.

(3) No execution or other process for enforcement of a foreign judgment filed pursuant to ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175, except a judgment, decree or order of a court of the United States, shall issue until five days after the date the judgment[, *affidavit and separate statement*] **and affidavit or declaration** required in subsection (1) of this section are filed.

## CUSTODY AND PARENTING TIME ORDERS

**SECTION 13.** ORS 107.097 is amended to read:

107.097. (1) Except as otherwise provided in subsection (3) of this section, a court may not enter ex parte a temporary order under ORS 107.095, 109.103 or 109.119 providing for the custody of, or parenting time with, a child.

(2)(a) A party may apply to a court for a temporary [*protective order of restraint*] **prejudgment status quo order** by filing with the court an affidavit or a declaration under penalty of perjury in the form required by ORCP 1 E, conforming to the requirements of ORS 109.767.

(b) Upon receipt of an application under this subsection, the court may issue a temporary [*protective order of restraint*] **prejudgment status quo order** restraining and enjoining each party from:

- (A) Changing the child's usual place of residence;
- (B) Interfering with the present placement and daily schedule of the child;
- (C) Hiding or secreting the child from the other party;
- (D) Interfering with the other party's usual contact and parenting time with the child;
- (E) Leaving the state with the child without the written permission of the other party or the permission of the court; or

(F) In any manner disturbing the current schedule and daily routine of the child until custody or parenting time has been determined.

(c) A copy of the order and the supporting affidavit or declaration under penalty of perjury must be served on the other party in the manner of service of a summons under ORCP 7. The order must include the following statement:

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Notice: You may request a hearing on this order as long as it remains in effect by filing with the court a request for a hearing. In the request you must tell the court and the other party that you object to the order and specifically why you disagree with the representation of the status quo described in the order. In the request you must also inform the court of your telephone number or contact number and your current residence, mailing or contact address.

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(3)(a) A court may enter ex parte a temporary order providing for the custody of, or parenting time with, a child if:

(A) The party requesting an order is present in court and presents an affidavit or a declaration under penalty of perjury, alleging that the child is in immediate danger; and

(B) The court finds, based on the facts presented in the party's testimony, the party's affidavit or declaration under penalty of perjury and the testimony of the other party, if the other party is present, that the child is in immediate danger.

(b) The party requesting an order under this subsection shall provide the court with telephone numbers where the party can be reached at any time during the day and a contact address.

(c) A copy of the order and the supporting affidavit or declaration under penalty of perjury must be served on the other party in the manner of service of a summons under ORCP 7. The order must include the following statement:

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Notice: You may request a hearing on this order as long as it remains in effect by filing with the court a request for a hearing. In the request you must tell the court and the other party that you object to the order on the ground that the child was not in immediate danger at the time the order was issued. In the request you must also inform the court of your telephone number or contact number and your current residence, mailing or contact address.

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(4)(a) A party against whom an order is entered under subsection (2) or (3) of this section may request a hearing by filing with the court a hearing request described in subsection (2) or (3) of this section at any time while the order is in effect.

(b) The court shall make reasonable efforts to hold a hearing within 14 days and shall hold a hearing no later than 21 days after receipt of the request for the hearing. The court shall notify each party of the time, date and place of the hearing.

(c) An order issued under subsection (2) or (3) of this section remains in effect through the date of the hearing. If the party against whom the order was entered fails to appear at the hearing without good cause, the court shall continue the order in effect. If the party who obtained the order fails to appear at the hearing without good cause, the court shall vacate the order.

(d) The issue at a hearing to contest:

(A) A temporary [*protective order of restraint*] **prejudgment status quo order** is limited to a determination of the status quo at the time the order was issued. If the child's usual place of residence cannot be determined, the court may make any further order the court finds appropriate in the best interests of the child.

(B) A temporary order for the custody of, or parenting time with, a child is limited to whether the child was in immediate danger at the time the order was issued.

(5) The State Court Administrator shall prescribe the content and form of a request for a hearing described in subsections (2) and (3) of this section.

(6) As used in this section:

(a) "Child's usual place of residence" has the meaning given that term in ORS 107.138.

(b) "Party's usual contact and parenting time," "present placement and daily schedule of the child" and "current schedule and daily routine of the child" have the meanings given "parent's usual contact and parenting time," "present placement and daily schedule of the child" and "current schedule and daily routine of the child" in ORS 107.138.

## **ELECTRONIC COMMUNICATION WITH JURORS**

**SECTION 14.** ORS 10.050 is amended to read:

10.050. (1) A judge of the court or clerk of court shall excuse a person from acting as a juror upon a showing of undue hardship or extreme inconvenience to the person, the person's family, the person's employer or the public served by the person. In applying this subsection the judge or clerk of court shall carefully consider and weigh both the public need for juries which are representative of the full community and the individual circumstances offered as a justification for excuse from jury service. A person may request and be granted excuse from jury service under this subsection by means of telephone communication, [or] mail **or other method prescribed by the court.**

(2) Notwithstanding ORS 10.030 (4), a judge may, by own motion, excuse a juror whose presence on the jury would substantially impair the progress of the action on trial or prejudice the parties thereto.

(3) A judge of the court or clerk of court shall excuse a person from acting as a juror upon the request of that person if the person is 70 years of age or older. A person may request and be granted excuse from jury service under this subsection by means of telephone communication, [or] mail **or other method prescribed by the court.**

(4) A judge of the court or clerk of court shall excuse a woman from acting as a juror upon the request of the woman if the woman is breast-feeding a child. A request for excuse from jury service under this subsection must be made in writing **or other method prescribed by the court.**

(5) Unless the public need for juries in the court outweighs the individual circumstances of the person summoned, a judge of the court or clerk of court shall excuse a person from acting as a juror upon the request of that person if the person is the sole caregiver for a child or other dependent during the court's normal hours of operation, the person is unable to afford day care or make other arrangements for the care of the dependent, and the person personally attends to the dependent during the court's normal hours of operation.

**SECTION 15.** ORS 10.245 is amended to read:

10.245. (1) Before or at the time a person summoned to serve as a juror reports for jury service in a county, a judge of the circuit court for the county or clerk of court shall question the person as to the eligibility of the person to act as a juror under ORS 10.030. If a judge or clerk of court determines that a person so questioned is not eligible to act as a juror, the person shall be discharged.

(2) The presiding judge for the judicial district [*may cause to be mailed or delivered with a juror's summons a juror eligibility form and instructions for completion of the form and return of the completed form by mail or personal delivery to the clerk of court by a specified date*] **shall provide a method for a juror to complete a juror eligibility form and return the completed form to the clerk of court by a specified date.** The form shall set forth the eligibility requirements prescribed in ORS 10.030.

(3) A person who knowingly makes a false statement of material fact in response to a question on a juror eligibility form may be punished for contempt.

(4) A completed juror eligibility form shall contain the summoned person's signed declaration that the responses to questions on the form are true to the best of the person's knowledge and an acknowledgment that a knowingly made false statement of material fact may be punished by a fine or imprisonment or both. Notarization of a completed form shall not be required.

(5) If a person summoned is unable to complete a juror eligibility form, another person may do it for the person summoned. Another person completing a form shall indicate on the form that the person did so and the reason therefor.

(6) If a person summoned fails to return a properly completed juror eligibility form as instructed, a judge of the circuit court may direct the person to appear forthwith and properly complete a form. If the person fails to appear as directed, a judge of the circuit court shall order the person to appear and show cause for that failure. If the person fails to appear pursuant to the order or appears and fails to show good cause, the person may be punished for contempt.

(7) Before or at the time a person summoned reports for jury service, a judge of the circuit court or clerk of court may question the person as to responses to questions on a completed jury eligibility form returned by the person and grounds for any ineligibility of the person to act as a juror. Any pertinent information so acquired shall be noted on the form.

(8) Review by a judge of the circuit court or clerk of court of a completed juror eligibility form returned by a person summoned satisfies the requirement prescribed in subsection (1) of this section that a person summoned be questioned. If a judge or clerk of court determines that a person is not eligible to act as a juror based on a completed form, the person shall be discharged.

**ADDITIONAL COURTS IN FAMILY LAW STATUTES**

**SECTION 16.** ORS 107.449 is amended to read:

107.449. (1) Upon motion of a party to a proceeding under ORS 107.135 (1) that is not otherwise covered under the provisions of ORS 25.100 (1), based upon convenience of the parties, the court that entered the original judgment may enter an order designating an [auxiliary] **additional** court located where either party resides for the purpose of hearing the matter.

(2) Upon entry of an order designating an [auxiliary] **additional** court under this section:

(a) The clerk of the court in which the original order or judgment was entered shall notify the [auxiliary] **additional** court of the order designating the [auxiliary] **additional** court.

(b) The [auxiliary] **additional** court has jurisdiction the same as if it were the court that made and entered the original order or judgment.

(3) The only courts that have jurisdiction to modify any provision of the original order or judgment are:

(a) The court having original jurisdiction of the cause in which the order or judgment was entered; and

(b) An [auxiliary] **additional** court designated under this section.

(4) When an [auxiliary] **additional** court enters an order or judgment under this section, the clerk of the [auxiliary] **additional** court shall forward the order or judgment to the clerk of the court in which the original order or judgment was entered. The clerk of the court in which the original order or judgment was entered shall file the [auxiliary] **additional** court's order or judgment in the original court file.

**SECTION 17.** ORS 25.091 is amended to read:

25.091. (1) As used in this section:

(a) "Child support judgment" has the meaning given that term in ORS 25.089.

(b) "Governing child support judgment" means a child support judgment issued in this state that addresses child support, including medical support as defined in ORS 25.321, and is entitled to exclusive prospective enforcement or modification with respect to any earlier child support judgment issued in this state.

(2) Notwithstanding any other provision of this section or ORS 25.089, when two or more child support judgments exist involving the same obligor and child and one or more of the judgments was issued by a tribunal of another state, the court shall apply the provisions of ORS chapter 110 before enforcing or modifying a judgment under this section or ORS 25.089.

(3) When two or more child support judgments exist involving the same obligor and child and the same period, any party to one or more of the child support judgments or the administrator, under ORS 25.531, may file a petition with the court for a governing child support judgment under this section. When a matter involving a child is before the court and the court finds that two or more child support judgments exist involving the same obligor and child and the same period, the court on its own motion, and after notice to all affected parties, may determine the controlling terms of the child support judgments and issue a governing child support judgment under this section.

(4)(a) Except as provided in paragraph (b) of this subsection, when two or more child support judgments exist involving the same obligor and child and the same period, and each judgment was issued in this state, there is a presumption that the terms of the last-issued child support judgment are the controlling terms and terminate contrary terms of each earlier-issued child support judgment.

(b) If the earlier-issued child support judgment requires provision of a specific type of child support and the last-issued child support judgment is silent with respect to that type of child support, the requirement of the earlier-issued child support judgment continues in effect.

(5) A party may rebut the presumption in subsection (4) of this section by showing that:

(a) The last-issued child support judgment should be set aside under the provisions of ORCP 71;

(b) The last-issued child support judgment was issued without prior notice to the issuing court, administrator or administrative law judge that:

(A) There was pending in this state or any other jurisdiction any type of support proceeding involving the child; or

(B) There existed in this state or any other jurisdiction another child support judgment involving the child; or

(c) The last-issued child support judgment was issued after an earlier child support judgment and did not enforce, modify or set aside the earlier child support judgment in accordance with ORS 25.089.

(6) When a court finds that two or more child support judgments exist involving the same obligor and child and the same period, and each child support judgment was issued in this state, the court shall set the matter for hearing to determine the controlling terms of the child support judgments. When the child support judgments were issued in different counties of this state, the court may designate an [auxiliary] **additional** court under ORS 25.100.

(7) Following a review of each child support judgment and any other evidence admitted by the court:

(a) The court shall apply the presumption in subsection (4) of this section, unless the presumption is rebutted, and shall determine the controlling terms of the child support judgments; and

(b) Notwithstanding ORS 25.089 (3), the court shall issue a governing child support judgment addressing child support, including medical support as defined in ORS 25.321, for the benefit of the child.

(8) The governing child support judgment must include:

(a) A reference to each child support judgment considered and a copy of the judgment;

(b) A determination of which terms regarding child support, including medical support as defined in ORS 25.321, are controlling and which child support judgment or judgments contain those terms;

(c) An affirmation, termination or modification of the terms regarding child support, including medical support as defined in ORS 25.321, in each of the child support judgments;

(d) Except as provided in subsection (9) of this section, a reconciliation of any child support arrears or credits under all of the child support judgments; and

(e) The effective date of each controlling term and the termination date of each noncontrolling term in each of the child support judgments. In determining these dates, the court may apply the following:

(A) A controlling term is effective on the date specified in the child support judgment containing that term or, if no date is specified, on the date the child support judgment was entered as described in ORS 18.075.

(B) A noncontrolling term is terminated on the date the governing child support judgment is entered as described in ORS 18.075.

(9) The court may order the parties, in a separate proceeding under ORS 25.167 or 25.540, to reconcile any child support arrears or credits under all of the child support judgments.

(10) When the governing child support judgment is entered as described in ORS 18.075, the noncontrolling terms of each earlier child support judgment are terminated. However, subject to subsection (11) of this section, the entry of the governing child support judgment does not affect any child support payment arrearage or any liability related to medical support, as defined in ORS 25.321, that has accrued under a child support judgment before the governing child support judgment is entered.

(11) For purposes of reconciling any child support arrears or credits under all of the child support judgments, amounts collected and credited for a particular period under one child support judgment must be credited against the amounts accruing or accrued for the same period under any other child support judgment.

(12) Not sooner than 30 days and not later than 60 days after entry of the governing child support judgment, a party named by the court, or the petitioner if the court names no other party, shall file a copy of the governing child support judgment with each court or the administrator that issued an earlier child support judgment. A party who fails to file a copy of the governing child support judgment as required by this subsection is subject to monetary sanctions, including but not limited

to attorney fees, costs and disbursements. A failure to file does not affect the validity or enforceability of the governing child support judgment.

(13) This section applies to any judicial proceeding in which child support may be awarded or modified under this chapter or ORS chapter 107, 108 or 109 or ORS 25.501 to 25.556, 125.025, 419B.400, 419B.923 or 419C.610.

**SECTION 18.** ORS 25.100 is amended to read:

25.100. (1) With respect to any order or judgment entered pursuant to ORS 25.501 to 25.556, 107.095, 107.105, 108.120, 109.155 or 419B.400 or ORS chapter 110, if a party seeking modification or enforcement of an order or judgment for the payment of money files a certificate to the effect that a party is presently in another county of this state, the court may, upon motion of the party, enter an order designating the circuit court of any county in this state in which the obligee or obligor resides, or in which property of the obligor is located, as an *[auxiliary]* **additional** court for purposes of the order or judgment.

(2) The clerk of the circuit court in which the original order or judgment was entered shall notify the *[auxiliary]* **additional** court of the order designating the *[auxiliary]* **additional** court.

**SECTION 19.** ORS 25.110 is amended to read:

25.110. (1) Upon entry of an order designating an *[auxiliary]* **additional** court under ORS 25.100, the *[auxiliary]* **additional** court has jurisdiction to compel compliance with an order or judgment for payment of support the same as if it were the court that made and entered the original order or judgment.

(2) The only courts that have jurisdiction to modify any provision of the original order or judgment are:

(a) The court having original jurisdiction of the cause in which the order or judgment was entered; and

(b) An *[auxiliary]* **additional** court designated under ORS 25.100.

(3) When an *[auxiliary]* **additional** court enters an order or judgment under this section, the clerk of the *[auxiliary]* **additional** court shall forward the order or judgment to the clerk of the court in which the original order or judgment was entered. The clerk of the court in which the original order or judgment was entered shall file the *[auxiliary]* **additional** court's order or judgment in the original court file.

## **REMOVAL OF REQUIREMENT FOR BOUND PUBLICATION OF COURT DECISIONS AND MATERIALS**

**SECTION 20.** ORS 2.150 is amended to read:

2.150. (1) The Supreme Court shall arrange for the publication and distribution of *[bound volumes]* **physical copies** of reports of decisions of the Supreme Court *[and], the Court of Appeals[, of bound volumes of reports of decisions of]* **and** the Oregon Tax Court determined to be of general public interest under ORS 305.450~~], of unbound copies of those decisions to be used as advance sheets]~~ and press summaries, rules and other official judicial department publications. The *[bound volumes]* **physical copies** of reports or advance sheets shall contain additional material as the Supreme Court may direct.

(2) The *[bound volumes]* **physical copies** of reports or advance sheets or both may be printed and bound, as the Supreme Court shall determine, by:

(a) The Oregon Department of Administrative Services in the same manner as other state printing; or

(b) A private printer pursuant to a contract entered into by the Supreme Court with the printer and not subject to ORS 282.020.

(3) The *[bound volumes]* **physical copies** of reports or advance sheets or both may be distributed, as the Supreme Court shall determine, by:

(a) The State Court Administrator; or



(b) A private distributor pursuant to a contract entered into by the Supreme Court with the distributor.

(4) The *[bound volumes]* **physical copies** of reports *[and]* **or** advance sheets **or both** shall be distributed without charge as determined by the Supreme Court or sold by the distributor. Except as otherwise provided in a contract entered into under subsection (3)(b) of this section, the State Court Administrator shall determine sale prices and all moneys collected or received from sales shall be paid into the Court Publications Account established by ORS 2.165.

**(5)(a) The Supreme Court shall maintain at least one physical copy of reports or advance sheets at the State of Oregon Law Library.**

**(b) The Supreme Court shall provide at least one free physical copy of reports or advance sheets to be maintained at each accredited law school in this state.**

*[(5)]* **(6)** In addition to *[bound volumes]* **physical copies** of reports or advance sheets under the provisions of this section, the Supreme Court may make any of the decisions of courts or other court publications available in electronic format. Access to the electronic publications may be without charge or subject to such charge as may be established by the Supreme Court. All moneys collected or received from sales shall be paid into the Court Publications Account established by ORS 2.165.

**SECTION 20a.** ORS 305.450 is amended to read:

305.450. The tax court shall cause a copy of each of its written decisions to be delivered to the State Court Administrator. The administrator, after consultation with the judge of the tax court, shall determine whether a decision is of general public interest. The decisions determined to be of general public interest shall be published and distributed as provided in ORS 2.150. *[Bound volumes]* **Physical copies** of reports of decisions **published under ORS 2.150** constitute the official reports of the tax court.

## SETTING ASIDE OLD JUDGMENTS IN FED CASES

**SECTION 21.** ORS 105.164 is amended to read:

105.164. (1) On an annual basis, each justice and circuit court shall enter an order setting aside a judgment and sealing the official records for each case for possession brought under ORS chapter 90 for which the court finds that:

(a) The judgment does not contain a money award or that any money award has expired or been satisfied or discharged; and

(b)(A) The judgment was a judgment of restitution entered for the plaintiff and at least five years have passed from the date of the judgment; or

*[(B) The judgment was a judgment by stipulation of the parties under ORS 105.145 (2) and at least 12 months have passed from the date of the judgment.]*

**(B) The judgment was a judgment of dismissal or otherwise in favor of the defendant and at least 12 months have passed from the date of the entry of the judgment.**

(2) Upon entry of the order, the judgment that is the subject of the motion is deemed not to have been entered, and any party may answer accordingly any questions relating to its occurrence.

(3) Nothing in this section limits the ability of a defendant to apply for an order under ORS 105.163.

## OPERATIVE DATE

**SECTION 22.** The amendments to ORS 2.150, 5.125, 10.050, 10.245, 14.110, 19.235, 19.270, 19.450, 24.125, 25.091, 25.100, 25.110, 34.250, 107.097, 107.445, 107.449, 109.787 and 305.450 by sections 1 to 5 and 9 to 20a of this 2025 Act become operative on January 1, 2026.

## CAPTIONS

**SECTION 23.** The unit 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.

**EMERGENCY CLAUSE**

**SECTION 24.** This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by Senate February 27, 2025

Received by Governor:

Repassed by Senate May 22, 2025

.....M.,....., 2025

Approved:

.....  
Obadiah Rutledge, Secretary of Senate

.....M.,....., 2025

.....  
Rob Wagner, President of Senate

.....  
Tina Kotek, Governor

Passed by House May 20, 2025

Filed in Office of Secretary of State:

.....M.,....., 2025

.....  
Julie Fahey, Speaker of House

.....  
Tobias Read, Secretary of State