

Enrolled
Senate Bill 267

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CHAPTER

AN ACT

Relating to operation of a court as a court of record; creating new provisions; and amending ORS 51.025 and 221.342.

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

SECTION 1. ORS 51.025 is amended to read:

51.025. (1) Except as provided in subsection [(4)] (7) of this section, any justice court may become a court of record by:

(a) The passage of an ordinance by the governing body of the county in which the court is located[.]; **and**

(b) The entry of an order by the Supreme Court acknowledging the filing of the declaration required under subsection (2) of this section.

(2) Before a justice court may become a court of record, the governing body of the county in which the court is located must file a declaration with the Supreme Court that includes:

(a) A statement that the justice court satisfies the requirements of this section for becoming a court of record;

(b) The address and telephone number of the clerk of the justice court; and

(c) The date on which the justice court will commence operations as a court of record.

(3) The Supreme Court may not charge a fee for filing a declaration under subsection (2) of this section. Not later than 30 days after a declaration is filed under subsection (2) 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 county and the public.

(4) The county shall [ensure that] provide a court reporter [is provided] or an audio recording device for each justice court made a court of record under this section.

[(2)] **(5) [Notwithstanding ORS 53.005 to 53.125 and ORS chapter 157,] The appeal from a judgment entered in a justice court that becomes a court of record under this section shall be as provided in ORS chapters 19 and 138 for appeals from judgments of circuit courts.**

[(3)] **(6) As a qualification for the office, the justice of the peace for any justice court that becomes a court of record must be a member of the Oregon State Bar.**

[(4)] **(7) A justice court may not become a court of record under the provisions of this section if the court is located within 50 driving miles of the circuit court for the county in which the justice**

court is located, measured by the shortest distance by public roads between the justice court and the circuit court.

SECTION 2. (1) Any justice court that has become a court of record under ORS 51.025 may cease to operate as a court of record only if the governing body of the county in which the court is located files a declaration with the Supreme Court identifying the date on which the justice 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 county and the public.

(3) The appeal from a judgment entered in a justice court after the date identified in a declaration filed under this section shall be as provided in ORS 53.005 to 53.125 and ORS chapter 157.

SECTION 3. (1) On or before June 30, 2008, any justice court that is operating as a court of record on January 1, 2008, must file a declaration with the Supreme Court that includes:

(a) A statement that the justice court satisfies the requirements of ORS 51.025 for becoming a court of record;

(b) The address and telephone number of the clerk of the justice court; and

(c) The date on which the justice court commenced operations as a court of record.

(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 county and the public.

SECTION 4. ORS 221.342 is amended to read:

221.342. (1) Any municipal court may become a court of record by:

(a) The passage of an ordinance by the governing body of the city in which the court is located[.]; and

(b) The entry of an order by the Supreme Court acknowledging the filing of the declaration required under subsection (2) of this section.

(2) Before a municipal court may become a court of record, the governing body of the city in which the court is located must file a declaration with the Supreme Court that includes:

(a) A statement that the municipal court satisfies the requirements of this section for becoming a court of record;

(b) The address and telephone number of the clerk of the municipal court; and

(c) The date on which the municipal court will commence operations as a court of record.

(3) The Supreme Court may not charge a fee for filing a declaration under subsection (2) of this section. Not later than 30 days after a declaration is filed under subsection (2) 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.

(4) The city shall [*ensure that*] **provide** a court reporter or an audio recording [*reporting*] device [*is provided*] for each municipal court made a court of record under this section.

[(2)] (5) The appeal from a judgment entered in a municipal court that becomes a court of record under this section shall be as provided in ORS chapter 138 for appeals from judgments of circuit courts.

[(3)] (6) As a qualification for the office, a municipal judge for any municipal court that becomes a court of record must be a member of the Oregon State Bar.

SECTION 5. Sections 6 and 7 of this 2007 Act are added to and made a part of ORS chapter 221.

SECTION 6. (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).

SECTION 7. (1) On or before June 30, 2008, any municipal court that is operating as a court of record on January 1, 2008, must file a declaration with the Supreme Court that includes:

(a) A statement that the municipal court satisfies the requirements of ORS 221.342 for becoming a court of record;

(b) The address and telephone number of the clerk of the municipal court; and

(c) The date on which the municipal court commenced operations as a court of record.

(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.

Passed by Senate March 27, 2007

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Secretary of Senate

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President of Senate

Passed by House May 21, 2007

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Speaker of House

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State