Enrolled

House Bill 2336

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Judiciary)

CHAPTER ....

AN ACT

Relating to notices of appeal; creating new provisions; amending ORS 19.260; and declaring an emergency.

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

SECTION 1. ORS 19.260 is amended to read:

19.260. (1)**(a)** Filing a notice of appeal in the Court of Appeals or the Supreme Court may be accomplished by mail **or delivery. Regardless of the date of actual receipt by the court to which the appeal is taken,** the date of filing [*such notice shall be*] **the notice is** the date of mailing[*, provided it*] **or dispatch for delivery, if the notice** is:

(A) Mailed by registered or certified mail and the party filing the notice has proof from the [*post office*] **United States Postal Service** of [*such*] **the** mailing date[.]**; or**

(B) Mailed or dispatched via the United States Postal Service or a commercial delivery service by a class of delivery calculated to achieve delivery within three calendar days, and the party filing the notice has proof from the United States Postal Service or the commercial delivery service of the mailing or dispatch date.

(b) Proof of **the date of** mailing [*shall*] **or dispatch under this subsection must** be certified by the party filing the notice and filed thereafter with the court to which the appeal is taken. **Any record of mailing or dispatch from the United States Postal Service or the commercial delivery service showing the date that the party initiated mailing or dispatch is sufficient proof of the date of mailing or dispatch.** If the notice is received by the court on or before the date by which [*such*] **the** notice is required to be filed, the party filing the notice is not required to file proof of mailing **or dispatch**.

(2)**(a)** Service of notice of appeal on a party, transcript coordinator or the trial court administrator, or service of a petition for judicial review on a party or administrative agency may be accomplished by**:**

(A) First class, registered or certified mail[.]**; or**

(B) Mail or dispatch for delivery via the United States Postal Service or a commercial delivery service by a class of delivery calculated to achieve delivery within three calendar days.

(b) The date of serving [*such notice shall be*] **the notice under this subsection is** the date of mailing **or dispatch**. [*Proof of mailing shall be certified by the party filing the notice and filed thereafter with the court to which the appeal is taken.*] **The party filing the notice must certify the date and method of service.**

(3) Notwithstanding subsections (1) and (2) of this section, if the party filing a notice of appeal is involuntarily confined in a state or local governmental facility, the date of filing of a notice of appeal in the Court of Appeals or the Supreme Court, and the date of service under subsection (2) of this section, is the date on which the party delivers the original notice of appeal, and the appropriate number of copies of the notice for service under subsection (2) of this section, to the person or place designated by the facility for handling outgoing mail.

(4) Except as otherwise provided by law, the provisions of this section are applicable to petitions for judicial review, cross petitions for judicial review and petitions under the original jurisdiction of the Supreme Court or Court of Appeals.

SECTION 2. **The amendments to ORS 19.260 by section 1 of this 2015 Act apply only to notices of appeal filed on or after the effective date of this 2015 Act.**

SECTION 3. **This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

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Passed by House March 17, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 7, 2015

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

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Kate Brown, Governor

Filed in Office of Secretary of State:

........................M.,..., 2015

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Jeanne P. Atkins, Secretary of State