

HB 2998 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/2, 3/11

WHAT THE MEASURE DOES:

Provides that party or attorney may not move to disqualify judge in judicial district with three or fewer circuit court judges. Provides that prosecuting attorney may not move to disqualify judge.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2

Replaces the measure. Requires a motion to disqualify a judge by party or attorney to allege specific grounds for the belief that the party or attorney cannot have a fair and impartial trial or hearing before the judge. Amends procedural requirements for filing of motion to disqualify a judge under ORS 14.260.

BACKGROUND:

Under ORS 14.250 no judge of a circuit court shall sit to hear or try any suit, action, matter or proceeding when it is established that any party or attorney believes that such party or attorney cannot have a fair and impartial trial or hearing before such judge. In such case the presiding judge for the judicial district shall forthwith transfer the cause, matter or proceeding to another judge of the court.

HB 2998 narrows the statute by only allowing a party to move to disqualify a judge when there are more than three circuit court judges in said jurisdiction and it prohibits a prosecuting attorney from moving to disqualify a judge.