

SB 296 -1 STAFF MEASURE SUMMARY

Senate Committee On Veterans and Emergency Preparedness

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Meeting Dates: 2/4, 2/23, 3/16

WHAT THE MEASURE DOES:

Authorizes Chief Justice and presiding judges in circuit courts to manage court proceedings during periods of statewide emergency, defined to include 60 days following declaration. Allows Chief Justice to manage time frames and deadlines applicable to specified proceedings upon a finding of good cause, with some exceptions. Allows Chief Justice to permit remote court appearances and provides for presiding judges to order in-person appearance instead, upon determination of particular need or constitutional right at the request of a party. Allows Chief Justice to permit remote interviews conducted by court appointed visitors in protective proceedings. Allows presiding judge in circuit court to postpone criminal trial and extend custody of defendant beyond applicable limits that would otherwise compel release, upon a finding of good cause on its own motion or the request of a party. Prohibits such extension if pretrial custody exceeds 180 days, unless defendant is charged with a violent felony or person crime: the required findings must be made that are applicable to release determinations for persons charged with violent felonies; and for those charged with person crimes, pretrial custody may be extended up to 240 days based on good cause and circumstances of the emergency along with a finding of specified danger, by clear and convincing evidence, not capable of mitigation otherwise. Allows appearances more than 30 days from issuance of criminal citation. Allows presiding judge in circuit court to postpone all proceedings on criminal citations. Declares emergency, effective upon passage.

Has minimal fiscal impact and no revenue impact.

ISSUES DISCUSSED:

- Existing authority of Chief Justice during emergencies
- Timelines and deadlines applicable to court proceedings
- House Bill 4212 (2020, first special session)
- Future emergencies

EFFECT OF AMENDMENT:

-1 -1 Removes language allowing presiding judge in circuit court to postpone criminal trial and extend custody of defendant beyond applicable limits. Extends the sunset date on some provisions of previous legislation authorizing management of court proceedings, from December 31, 2021 to December 31, 2022.

BACKGROUND:

Beginning in the spring of 2020, across the country, judicial branches of governments faced significant challenges to the continuity of their operations and to the health and well being of their personnel due to the COVID-19 pandemic. Courts acted to protect the rights and expectations of participants and other stakeholders in all manner court proceedings, both civil and criminal, pending and initiated during the pandemic, in conformity with public health dictates and guidelines. The Oregon Judicial Department (OJD) convened a work group and sought explicit statutory authority during the emergency, to suspend or extend timelines and deadlines applicable to jury trials, pretrial custody of criminal defendants, and statutes of limitation in civil matters, as well as the authority to provide for remote court appearances.. The Legislative Assembly enacted an omnibus bill during the first special session of 2020, House Bill 4212, that included provisions to address a number of OJD's concerns; these provisions

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are currently scheduled to sunset December 31, 2021.

Senate Bill 296 continues the authority of the Chief Justice during emergencies with respect to managing timelines and deadlines applicable to certain proceedings and providing for remote court appearances, until December 31, 2022.