



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

February 9, 2021
(SENT BY EMAIL)

Senate Committee on Judiciary and Ballot Measure 110 Implementation
900 Court St NE, Room 331
Salem, Oregon, 97301

Re: Question from February 4, 2021 on SB 296 and SB 205

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation:

I heard Vice-Chair Thatcher's question on February 4th in Senate Judiciary on the interaction of SB 296 and SB 205. Vice-Chair Thatcher asked whether the proposed changes to the provisions governing civil commitment for extremely dangerous persons, as proposed in SB 205, could be indefinitely extended under the statutory proposed changes under SB 296, an Oregon Judicial Department bill. I appreciate the question. I write to hopefully answer the inquiry and provide some background and context.

By way of background, SB 296 authorizes the Chief Justice to extend or suspend statutory time periods or in-person requirements (with limitations that don't apply to SB 205) that apply to any case, action, or proceeding after it is initiated in any circuit court, **but only during a statewide emergency declared by the Governor (and for 60 days thereafter).**

The Chief Justice has that same authority now, per HB 4212 (Section 6, 2020) which may be exercised during the COVID-19 state of emergency. However, in working with judges, lawyers, and justice partners across the state, and considering relevant circumstances, she determined that good cause required the extension of **only one circuit court statutory timeline: relating to the time to seek a DUII diversion.** The good cause requirement predicated the exercise of authority in SB 296 requires careful consideration of all the circumstances as to whether an extension of a statutory timeline is warranted.

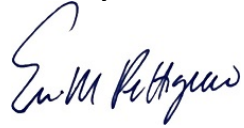
As applied here, any exercise of Chief Justice authority to extend time requires a predicate determination of good cause. Timelines in ORS Chapter 426 that apply in circuit court proceedings, once initiated, fall within the scope of that authority, but the Chief Justice would be required to find that good cause exists to support extending or suspending such a timeline.

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Attached is a one-pager on SB 296. I want to emphasize that this flexibility has been used very sparingly in our courts during the pandemic but has provided some very meaningful relief during this time.

I would be very glad to discuss the impact of either bill on court operations.

Thank you,

A handwritten signature in black ink, appearing to read "Erin Pettigrew". The signature is written in a cursive, flowing style.

Erin Pettigrew

Attachment: SB 296 Bill Summary

EP:rw/21eEP001rw