

House Bill 4120

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Chief Justice Martha L. Walters for Oregon Judicial Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes court to waive minimum fine in violation proceedings in certain circumstances.

Modifies types of documents that must accompany request for filing fee waiver or deferral by adult in custody.

Specifies filing fees that may be charged in protective proceedings when petition requests multiple fiduciaries or multiple protective orders.

Prohibits charging of filing fee when amended affidavit is filed in small estate probate case.

Modifies manner of requesting filing fee waiver for writ of habeas corpus.

Authorizes Chief Justice to direct or permit electronic court appearances. Authorizes presiding judge to order in-person appearance in specified circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to court proceeding modifications; creating new provisions; amending ORS 1.002, 1.012,
3 30.643, 34.365, 114.515, 125.055, 125.650, 153.021 and 153.051; and declaring an emergency.

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

FINES AND FEES

(Minimum Fines for Violations)

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7
8
9 **SECTION 1.** ORS 153.021 is amended to read:

10 153.021. (1) **Unless a specific minimum fine is prescribed for a violation, and** except as
11 otherwise provided by law, [*a court may not defer, waive, suspend or otherwise reduce the fine*] **the**
12 **minimum fine a court shall impose** for a violation that is subject to the presumptive fines estab-
13 lished by ORS 153.019 (1) or 153.020 [*to an amount that is less than*] **are as follows:**

14 (a) \$225 for a Class A violation.

15 (b) \$135 for a Class B violation.

16 (c) \$85 for a Class C violation.

17 (d) \$65 for a Class D violation.

18 (e) \$45 for a Class E violation.

19 [(2) *Except as otherwise provided by law, a court may not defer, waive, suspend or otherwise re-*
20 *duce the fine for a specific fine violation to an amount that is less than 20 percent of the presumptive*
21 *fine for the violation.*]

22 **(2)(a) Notwithstanding subsection (1) of this section, a court may waive payment of the**
23 **minimum fine described in this section, in whole or in part, if the court determines that re-**
24 **quiring payment of the minimum fine would be inconsistent with justice in the case. In**
25 **making its determination under this subsection, the court shall consider:**

26 **(A) The financial resources of the defendant and the burden that payment of the mini-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **imum fine would impose, with due regard to the other obligations of the defendant; and**

2 **(B) The extent to which that burden could be alleviated by allowing the defendant to pay**
 3 **the fine in installments or subject to other conditions set by the court.**

4 (3) This section does not affect the manner in which a court imposes or reduces monetary obli-
 5 gations other than fines.

6 (4) The Department of Revenue or Secretary of State may audit any court to determine whether
 7 the court is complying with the requirements of this section. In addition, the Department of Revenue
 8 or Secretary of State may audit any court to determine whether the court is complying with the
 9 requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Department of Revenue or Sec-
 10 retary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this
 11 section and of ORS 137.145 to 137.159 and 153.640 to 153.680.

12 **SECTION 2.** ORS 153.051 is amended to read:

13 153.051. A summons in a violation citation is sufficient if it contains the following:

14 (1) The name of the court, the name of the person cited, the date on which the citation was is-
 15 sued, the name of the enforcement officer issuing the citation, and the time and place at which the
 16 person cited is to appear in court.

17 (2) A statement or designation of the violation that can be readily understood by a person
 18 making a reasonable effort to do so and the date, time and place at which the violation is alleged
 19 to have been committed.

20 (3) A notice to the person cited that a complaint will be filed with the court based on the vio-
 21 lation.

22 (4) The amount of the presumptive fine, if any, fixed for the violation.

23 (5) A statement notifying the person that a monetary judgment may be entered against the per-
 24 son for up to the maximum amount of fines, restitution and other costs allowed by law for the vio-
 25 lation if the person fails to make all required appearances at the proceedings.

26 (6) A statement notifying the person that, if the person pleads no contest and delivers to the
 27 court the amount of the presumptive fine indicated on the citation, and the court accepts the plea,
 28 the amount of the fine imposed against the defendant may not exceed the amount of the presumptive
 29 fine indicated on the citation.

30 (7) A statement notifying the person that, if the person pleads no contest and delivers to the
 31 court the amount of the presumptive fine indicated on the citation:

32 (a) The person may submit an explanation of the circumstances of the violation; and

33 (b) The court may consider the explanation in establishing the amount of the fine, but in no
 34 event can the court impose a fine that is less than the minimum fine established under ORS 153.021

35 **(1) except as provided in ORS 153.021 (2).**

36 (8) A statement notifying the person that, if the person pleads not guilty and requests a trial,
 37 the court cannot impose a fine that is less than the minimum fine established under ORS 153.021

38 **(1) except as provided in ORS 153.021 (2) or** unless the person is found not guilty, in which case
 39 no fine will be imposed.

40
 41 **(Filing Fees for Adults in Custody)**

42
 43 **SECTION 3.** ORS 30.643 is amended to read:

44 30.643. (1) If an adult in custody seeks to file an action against a public body, the fees and court
 45 costs of the adult in custody may be waived or deferred only in the manner provided by this section.

1 (2) Any adult in custody seeking waiver or deferral of fees or court costs must submit with the
 2 application for waiver or deferral a [*certified*] **true and correct** copy of the trust account statement
 3 of the adult in custody for the six-month period immediately preceding the filing of the complaint,
 4 petition, notice of appeal or petition for review. [*The statement must be certified as correct by an of-*
 5 *ficial of each correctional facility in which the adult in custody was confined within the six-month pe-*
 6 *riod or by an employee of the Department of Corrections charged with the responsibility of overseeing*
 7 *adult in custody trust accounts*] **The true and correct copy of the trust account statement must**
 8 **be supported by a declaration sworn under penalty of perjury.**

9 (3) Upon the filing of a statement under subsection (2) of this section, the court shall review the
 10 information in the statement relating to deposits in the trust account of the adult in custody and
 11 any other resources available to the adult in custody. The court may only waive the fees and court
 12 costs of the adult in custody if the court determines that the adult in custody has no funds and will
 13 not have funds.

14 (4) If the court makes a determination that an adult in custody has or will have funds to pay
 15 fees and court costs, the court shall require full payment of the filing fees and court costs, or, if
 16 funds are not immediately available in the trust account, shall assess and collect filing fees and
 17 court costs as funds become available in the trust account.

18 (5) On its own motion or on the motion of the public body, the court may review the pleadings
 19 of the adult in custody in an action against a public body at the time a request for waiver or
 20 deferral of filing fees or court costs is made. If the court finds that the pleadings fail to state a claim
 21 for which relief may be granted, the court may decline to waive or defer filing fees or court costs.
 22 The court shall enter a denial of waiver or deferral of fees and costs under this subsection as a
 23 limited judgment. Notwithstanding the time established by statute for the commencement of an
 24 action, if a limited judgment is entered under this subsection within 30 days of the expiration of the
 25 time allowed for commencing the action, the adult in custody may commence the action not later
 26 than 45 days after the judgment is entered. Only one extension of the time allowed for commencing
 27 an action may be granted by the court under this section.

28 (6) Nothing in this section shall be construed as preventing an adult in custody from bringing
 29 an action against a public body because the adult in custody has no assets or means by which to
 30 pay the initial partial filing fee as provided under this section.

31
 32 **(Protective Proceeding Fees)**
 33

34 **SECTION 4.** ORS 125.055 is amended to read:

35 125.055. (1)(a) A petition in a protective proceeding that seeks the appointment of a fiduciary
 36 must designate the type of fiduciary that the petitioner seeks to have appointed. If the petition does
 37 not request the appointment of a fiduciary, or if the petition requests both the appointment of a
 38 fiduciary and some other protective order, the petition must contain a statement of the nature of the
 39 protective order requested. The caption of the petition must reflect the type of fiduciary whose ap-
 40 pointment is requested or, if the appointment of a fiduciary is not requested, the nature of the pro-
 41 tective order requested. An original and duplicate copy of the petition must be filed with the court.

42 **(b) A single filing fee shall be collected for a petition described in this section regardless**
 43 **of whether the petition requests multiple fiduciaries or protective orders. Notwithstanding**
 44 **ORS 21.135, 21.145, 21.175, 21.180 and 125.650, the fee shall consist of the highest applicable**
 45 **fee set forth in ORS 21.135, 21.145 (3), 21.175 or 21.180.**

1 (2) A petition in a protective proceeding must contain the following information to the extent
2 that the petitioner is aware of the information or to the extent that the petitioner is able to acquire
3 the information with reasonable effort:

4 (a) The name, age, residence address and current location of the respondent.

5 (b) The interest of the petitioner.

6 (c) The name, age and address of the petitioner and any person nominated as fiduciary in the
7 petition and the relationship of the person nominated to the respondent.

8 (d) A statement as to whether the person nominated as fiduciary:

9 (A) Has been convicted of a crime;

10 (B) Has filed for or received protection under the bankruptcy laws;

11 (C) Has caused any loss resulting in a surcharge under ORS 125.025 (3)(e) or a similar statute
12 of another jurisdiction;

13 (D) Has been removed as a fiduciary under ORS 125.225; or

14 (E) Has had a license revoked or canceled that was required by the laws of any state for the
15 practice of a profession or occupation.

16 (e) If an event listed in paragraph (d) of this subsection has occurred, a statement of the cir-
17 cumstances surrounding the event.

18 (f) If the person nominated as fiduciary is not the petitioner, a statement indicating that the
19 person nominated is willing and able to serve.

20 (g) The name and address of any fiduciary that has been appointed for the respondent by a court
21 of any state, any trustee for a trust established by or for the respondent, any person appointed as
22 a health care representative under the provisions of ORS 127.505 to 127.660 and any person acting
23 as attorney-in-fact for the respondent under a power of attorney.

24 (h) The name and address of the respondent's treating physician and any other person who is
25 providing care to the respondent.

26 (i) The factual information that:

27 (A) Except as provided in subparagraph (B) of this paragraph, supports the request for the ap-
28 pointment of a fiduciary or entry of other protective order, less restrictive alternatives to the ap-
29 pointment of a fiduciary that have been considered and why the alternatives are inadequate and the
30 names and addresses of all persons who have information that would support a finding that an adult
31 respondent is incapacitated or financially incapable.

32 (B) If the petition seeks appointment of a guardian for a vulnerable youth, supports a finding
33 that the proposed protected person is a vulnerable youth.

34 (j) A statement that indicates whether the person nominated as fiduciary intends to place the
35 respondent in a mental health treatment facility, a nursing home or other residential facility.

36 (k) A general description of the estate of the respondent and the respondent's sources of income
37 and the amount of that income.

38 (L) A statement indicating whether the person nominated as fiduciary is a public or private
39 agency or organization that provides services to the respondent or an employee of a public or pri-
40 vate agency or organization that provides services to the respondent.

41 (m) A statement that indicates whether the petitioner is petitioning for plenary authority or
42 specified limited authority for the person nominated as fiduciary.

43 (3) In addition to the requirements of subsection (2) of this section:

44 (a) If a petition seeks appointment of a guardian, the petition must contain a statement on
45 whether the guardian will exercise any control over the estate of the respondent. If the guardian

1 will exercise any control over the estate of the respondent, the petition must contain a statement
 2 of the monthly income of the respondent, the sources of the respondent's income, and the amount
 3 of any moneys that the guardian will be holding for the respondent at the time of the appointment.

4 (b) Except as provided in paragraph (c) of this subsection, if the petition seeks the appointment
 5 of a guardian for an adult respondent, of a guardian for a minor respondent who is more than 16
 6 years of age, in cases where the court determines there is the likelihood that a petition seeking
 7 appointment of a guardian for the respondent as an adult will be filed before the date that the re-
 8 spondent attains majority, in accordance with subsection (6)(a) of this section, or as an adult, or of
 9 a temporary fiduciary who will exercise the powers of a guardian for an adult respondent, the pe-
 10 tition must contain a statement notifying the court that a visitor must be appointed.

11 (c) If the petition seeks appointment of a guardian for a vulnerable youth, the petition must in-
 12 clude:

13 (A) A statement that the court in its discretion may appoint a visitor; and

14 (B) Except as provided in subsection (6)(b) of this section, a declaration signed by the vulnerable
 15 youth consenting to the appointment of the proposed guardian.

16 (4) In addition to the requirements of subsection (2) of this section, if a petition seeks appoint-
 17 ment of a conservator or a temporary fiduciary who will exercise the powers of a conservator or if
 18 a petition seeks a protective order relating to the estate of the respondent, the petition must contain
 19 the petitioner's estimate of the value of the estate.

20 (5) A petitioner may join parties in a petition in the manner provided by ORCP 28 for the joining
 21 of defendants.

22 (6)(a) A parent or guardian of a minor may file a petition that seeks the appointment of a
 23 guardian for the minor as an adult, to become effective on the date that the minor attains majority,
 24 at any time within 90 days before the date that the minor attains majority or at any other time
 25 determined by the court to be necessary and appropriate to ensure the ongoing protection, safety
 26 and welfare of the minor upon attaining majority.

27 (b) If a petition for the appointment of a guardian for a vulnerable youth is filed when the re-
 28 spondent is a minor, the declaration of consent to appointment required under subsection (3)(c) of
 29 this section must be filed no later than 10 days after the respondent attains the age of majority.

30 (7) The court shall review a petition seeking appointment of a guardian and shall dismiss the
 31 proceeding without prejudice, or require that the petition be amended, if the court determines that
 32 the petition does not meet the requirements of this section.

33 **SECTION 5.** ORS 125.650 is amended to read:

34 125.650. (1) The court may enter protective orders without the appointment of a fiduciary or in
 35 addition to appointment of a fiduciary. A petition for a protective order that does not seek the ap-
 36 pointment of a fiduciary is subject to all requirements prescribed for petitions for appointment of a
 37 fiduciary. **A single filing fee shall be collected pursuant to ORS 21.135 (1) for a petition for a**
 38 **protective order regardless of whether the petition requests multiple protective orders.** A
 39 court may enter a protective order other than appointment of a fiduciary only upon a determination
 40 that grounds exist for the appointment of a fiduciary.

41 (2) In issuing protective orders under this section, the court may exercise any power that could
 42 be exercised by a guardian or conservator in a protective proceeding, or any power that could be
 43 exercised by the court in a protective proceeding in which a fiduciary is appointed.

44 (3) Before entering a protective order under this section, the court shall consider the interests
 45 of creditors and dependents of the protected person and whether the protected person needs the

1 continuing protection of a fiduciary.

2 (4) The court may appoint a fiduciary whose authority is limited to a specified time and whose
 3 power is limited to certain acts needed to implement the protective order. A fiduciary appointed
 4 under this subsection need only make such report to the court as the court may require.

5 (5) In addition to any other protective order that may be entered under this section, the court
 6 may authorize, direct or ratify:

7 (a) Any transaction necessary or desirable to achieve any security, service or care arrangement
 8 meeting the foreseeable needs of the protected person, including but not limited to payment, deliv-
 9 ery, deposit or retention of funds or property, sale, mortgage, lease or other transfer of property,
 10 entry into an annuity contract, a contract for life care, a deposit contract, a contract for training
 11 and education, or addition to or establishment of a suitable trust.

12 (b) Any contract, trust or other transaction relating to the protected person's financial affairs
 13 or involving the estate of the person if the court determines that the transaction is in the best in-
 14 terests of the protected person.

15
 16 **(Small Estate Probate Fees)**
 17

18 **SECTION 6.** ORS 114.515 is amended to read:

19 114.515. (1) If the estate of a decedent meets the requirements of ORS 114.510, any of the fol-
 20 lowing persons may file a small estate affidavit with the clerk of the probate court in any county
 21 where there is venue for a proceeding seeking the appointment of a personal representative for the
 22 estate:

23 (a) One or more of the claiming successors of the decedent.

24 (b) If the decedent died testate, any person named as personal representative in the decedent's
 25 will.

26 (c) The Director of Human Services, the Director of the Oregon Health Authority or an attorney
 27 approved under ORS 114.517, if the decedent received public assistance as defined in ORS 411.010,
 28 received medical assistance as defined in ORS 414.025 or received care at an institution as defined
 29 in ORS 179.010, and it appears that the assistance or the cost of care may be recovered from the
 30 estate of the decedent.

31 (2) A person may not file a small estate affidavit if:

32 (a) The person would be disqualified from acting as a personal representative under ORS
 33 113.095; or

34 (b) The person has been convicted of a felony in Oregon or in another jurisdiction.

35 (3) A small estate affidavit may not be filed until 30 days after the death of the decedent.

36 (4) A small estate affidavit must contain the information required in ORS 114.525 and shall be
 37 made a part of the probate records. If the affiant is an attorney approved by the Director of Human
 38 Services or the Director of the Oregon Health Authority, a copy of the document approving the at-
 39 torney must be attached to the affidavit.

40 (5) The clerk of the probate court shall charge and collect the fee established under ORS 21.145
 41 for the filing of a small estate affidavit, **except that a fee may not be charged or collected for**
 42 **the filing of an amended affidavit.**

43 (6)(a) Except as provided in subsection (7) of this section, the affiant shall file an amended small
 44 estate affidavit in the following circumstances:

45 (A) To correct a material error or omission in a previous affidavit.

(B) To include property not described in a previous affidavit.

(b) The amended affidavit must include all information required under ORS 114.525 and state the value of the property as of the date used to prepare the original affidavit.

(7) If the fair market value of the property of the estate exceeds the value limitations for a small estate under ORS 114.510, an affiant may not file an amended small estate affidavit under subsection (6) of this section and the affiant's authority with regard to the estate is terminated, except that the affiant shall deliver assets of the estate in the affiant's possession upon request by a personal representative appointed under ORS 113.085. The affiant shall promptly file notice with the court that the estate of the decedent is not subject to ORS 114.505 to 114.560 and shall serve a copy of the notice on each person who received a copy of the previous affidavit.

(8) The clerk of the probate court may acknowledge a small estate affidavit upon presentation of the identification of the affiant and the affiant's statement under penalty of perjury.

(Habeas Corpus Filing Fees)

SECTION 7. ORS 34.365 is amended to read:

34.365. (1) Any court of the State of Oregon may authorize the filing of a petition for a writ of habeas corpus by or on behalf of any person imprisoned or otherwise restrained of liberty by virtue of a charge or conviction of crime without payment of the filing fees therefor, if such person presents to the court or judge thereof satisfactory proof, by *[affidavit]* **declaration under penalty of perjury** and as otherwise required by such judge, that the person is unable to pay such fees.

(2) Notwithstanding the fact that a court has authorized the filing of a petition without payment of the filing fee required by ORS 34.340, the fee may be drawn from, or charged against, the plaintiff's trust account if the plaintiff is an adult in custody in a correctional facility.

REMOTE COURT PROCEEDINGS

SECTION 8. ORS 1.002 is amended to read:

1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of government in this state. The Chief Justice of the Supreme Court is the presiding judge of the court and the administrative head of the judicial department of government in this state. The Chief Justice shall exercise administrative authority and supervision over the courts of this state consistent with applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate exercise of that administrative authority and supervision, may:

(a) Make rules and issue orders appropriate to that exercise.

(b) Require appropriate reports from the judges, other officers and employees of the courts of this state and municipal courts.

(c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or reassign on a temporary basis all judges of the courts of this state to serve in designated locations within or without the county or judicial district for which the judge was elected.

(d) Set staffing levels for all courts of the state operating under the Judicial Department and for all operations in the Judicial Department.

(e) Establish time standards for disposition of cases.

(f) Establish budgets for the Judicial Department and all courts operating under the Judicial Department.

- 1 (g) Assign or reassign all court staff of courts operating under the Judicial Department.
- 2 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish
- 3 personnel rules and policies for judges of courts operating under the Judicial Department.
- 4 (i) Establish procedures for closing courts in emergencies.
- 5 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS
- 6 174.120 and other rules and laws that refer to periods of time when courts are closed.
- 7 (k) Take any other action appropriate to the exercise of the powers specified in this section and
- 8 other law, and appropriate to the exercise of administrative authority and supervision by the Chief
- 9 Justice over the courts of this state.
- 10 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-
- 11 cluding but not limited to rules relating to any of the following:
- 12 (a) Applications based on the use of the Internet and other similar technologies.
- 13 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu
- 14 of the original paper copy, for any record of the courts maintained under ORS 7.095 and for any
- 15 document, process or paper that is served, delivered, received, filed, entered or retained in any
- 16 action or proceeding.
- 17 (c) The use of electronic signatures or another form of identification for any document, process
- 18 or paper that is required by any law or rule to be signed and that is:
- 19 (A) Served, delivered, received, filed, entered or retained in any action or proceeding; or
- 20 (B) Maintained under ORS 7.095.
- 21 (d) The use of electronic transmission for:
- 22 (A) Serving documents in an action or proceeding, other than a summons or an initial complaint
- 23 or petition;
- 24 (B) Filing documents with a court; and
- 25 (C) Providing certified electronic copies of court documents and other Judicial Department re-
- 26 cords to another person or public body.
- 27 (e) Payment of statutory or court-ordered monetary obligations through electronic media.
- 28 (f) Electronic storage of court documents.
- 29 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,
- 30 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333
- 31 or 810.425.
- 32 (h) Public access through electronic means to court documents that are required or authorized
- 33 to be made available to the public by law.
- 34 (i) Transmission of open court proceedings through electronic media.
- 35 (j) Electronic transmission and electronic signature on documents relating to circuit court jurors
- 36 under ORS 10.025.
- 37 (3) The Chief Justice may make rules relating to the data that state courts may require parties
- 38 and other persons to submit for the purpose of distinguishing particular persons from other persons.
- 39 If the rules require the submission of data that state or federal law does not require that the courts
- 40 make public, the rules may also require courts to keep the data confidential and not release the data
- 41 except pursuant to a court order issued for good cause shown. Data that is made confidential under
- 42 the rules is not subject to disclosure under ORS 192.311 to 192.478.
- 43 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent
- 44 with the laws governing courts and court procedures, but any person who serves, delivers, receives,
- 45 files, enters or retains an electronic document, or an electronic image of a paper document in lieu

1 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection
 2 (2) of this section shall be considered to have complied with any rule or law governing service, de-
 3 livery, reception, filing, entry or retention of a paper document.

4 **(5)(a) Notwithstanding any other statute or rule to the contrary, the Chief Justice may**
 5 **direct or permit any appearance before a court or magistrate to be by telephone, other**
 6 **two-way electronic communication device or simultaneous electronic transmission.**

7 **(b) If an appearance is set to occur by electronic means as described in paragraph (a) of**
 8 **this subsection, a presiding judge may instead order that the appearance be in person if,**
 9 **upon the request of a party, the presiding judge determines that there is a particular need**
 10 **for an in-person hearing or that a party has a constitutional right to an in-person hearing.**

11 **(c) The presiding judge may delegate the authority described in this subsection to an-**
 12 **other judge of the court.**

13 **(d) Nothing in this subsection affects the rights of a defendant under the Oregon and**
 14 **United States Constitutions.**

15 [(5)(a)] **(6)(a)** As used in this subsection, “period of statewide emergency” means the period of
 16 time during which any declaration of a state of emergency under ORS 401.165, public health emer-
 17 gency under ORS 433.441 or catastrophic disaster under Article X-A, section 1, of the Oregon Con-
 18 stitution, issued by the Governor, and any extension of the declaration, is in effect, and continuing
 19 for 60 days after the declaration and any extension is no longer in effect.

20 (b) During a period of statewide emergency, and upon a finding of good cause, the Chief Justice
 21 may extend or suspend any time period or time requirement established by statute or rule, other
 22 than ORS 133.060, 136.290 or 136.295, that:

23 (A) Applies in any case, action or proceeding after the case, action or proceeding is initiated in
 24 any circuit court, the Oregon Tax Court, the Court of Appeals or the Supreme Court;

25 (B) Applies to the initiation of an appeal to the magistrate division of the Oregon Tax Court or
 26 an appeal from the magistrate division to the regular division;

27 (C) Applies to the initiation of an appeal or judicial review proceeding in the Court of Appeals;
 28 or

29 (D) Applies to the initiation of any type of case or proceeding in the Supreme Court.

30 [(c)(A) *Notwithstanding any other statute or rule to the contrary, during a period of statewide*
 31 *emergency, the Chief Justice may direct or permit any appearance before a court or magistrate to be*
 32 *by telephone, other two-way electronic communication device or simultaneous electronic transmission.*]

33 [(B) *If an appearance is set to occur by electronic means as described in subparagraph (A) of this*
 34 *paragraph, a presiding judge may instead order that the appearance be in person if, upon the request*
 35 *of a party, the presiding judge determines that there is a particular need for an in-person hearing or*
 36 *that a party has a constitutional right to an in-person hearing.*]

37 [(C)] **(c)(A)** Notwithstanding ORS 125.150 (3), during a period of statewide emergency, the Chief
 38 Justice may direct or permit that any interview of a person described in ORS 125.150 (3) by a visitor
 39 appointed by the court be conducted by telephone, other two-way electronic communication device
 40 or simultaneous electronic transmission.

41 [(D)] **(B)** The presiding judge may delegate the authority described in this paragraph to another
 42 judge of the court.

43 (d) Nothing in this subsection affects the rights of a defendant under the Oregon and United
 44 States Constitutions.

45 [(6)] **(7)** Rules made and orders issued by the Chief Justice under this section shall permit as

1 much variation and flexibility in the administration of the courts of this state as are appropriate to
 2 the most efficient manner of administering each court, considering the particular needs and cir-
 3 cumstances of the court, and consistent with the sound and efficient administration of the judicial
 4 department of government in this state.

5 [(7)(a)] **(8)(a)** The Chief Justice may establish reasonable fees for the use of the Oregon Judicial
 6 Case Information Network, including fees for electronic access to documents.

7 (b)(A) Before permanently adopting or increasing fees under this subsection, the Chief Justice
 8 shall provide notice to interested persons and allow a reasonable opportunity for comment.

9 (B) Before temporarily adopting or increasing fees under this subsection, the Chief Justice shall
 10 provide notice to interested persons.

11 (C) The Chief Justice shall by order establish a process for notice and comment under this
 12 paragraph.

13 (c) Fees adopted under this subsection must be reasonably calculated to recover or offset costs
 14 of developing, maintaining, supporting or providing access to or use of state court electronic appli-
 15 cations and systems.

16 [(8)] **(9)** The judges, other officers and employees of the courts of this state shall comply with
 17 rules made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a
 18 judge thereof, relating to the conduct of the business of the court shall be consistent with applicable
 19 rules made and orders issued by the Chief Justice.

20 [(9)] **(10)** The Chief Judge of the Court of Appeals and the presiding judge of each judicial dis-
 21 trict of this state are the administrative heads of their respective courts. They are responsible and
 22 accountable to the Chief Justice of the Supreme Court in the exercise of their administrative au-
 23 thority and supervision over their respective courts. Other judges of the Court of Appeals or court
 24 under a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and
 25 to the Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of
 26 administrative authority and supervision.

27 [(10)] **(11)** The Chief Justice may delegate the exercise of any of the powers specified by this
 28 section to the presiding judge of a court, and may delegate the exercise of any of the administrative
 29 powers specified by this section to the State Court Administrator, as may be appropriate.

30 [(11)] **(12)** This section applies to justices of the peace and the justice courts of this state solely
 31 for the purpose of disciplining of justices of the peace and for the purpose of continuing legal edu-
 32 cation of justices of the peace.

33 **SECTION 9.** ORS 1.012 is amended to read:

34 1.012. (1) The State Court Technology Fund is established in the State Treasury, separate and
 35 distinct from the General Fund. Interest earned by the State Court Technology Fund shall be
 36 credited to the fund.

37 (2) All fees received on and after July 1, 2013, for the use of the Oregon Judicial Case Infor-
 38 mation Network under ORS 1.002 [(7)] **(8)** and for the use of other state court electronic applications
 39 and systems shall be deposited into the fund.

40 (3) The fund consists of the moneys deposited into the fund under subsection (2) of this section,
 41 the moneys deposited into the fund under ORS 21.006 and the moneys allocated to the fund under
 42 ORS 137.300.

43 (4) Moneys in the fund are continuously appropriated to the Judicial Department for the pur-
 44 poses of:

45 (a) Developing, maintaining and supporting state court electronic applications, services and

1 systems and for providing access to and use of those applications, services and systems; and

2 (b) Providing electronic service and filing services.

3
4 **CAPTIONS**

5
6 **SECTION 10. The unit captions used in this 2022 Act are provided only for the conven-**
7 **ience of the reader and do not become part of the statutory law of this state or express any**
8 **legislative intent in the enactment of this 2022 Act.**

9
10 **OPERATIVE AND EFFECTIVE DATES**

11
12 **SECTION 11. (1) The amendments to ORS 30.643, 34.365, 114.515, 125.055, 125.650, 153.021**
13 **and 153.051 by sections 1 to 7 of this 2022 Act become operative on January 1, 2023.**

14 **(2) The Judicial Department may take any action before the operative date specified in**
15 **subsection (1) of this section that is necessary to enable the department to exercise, on and**
16 **after the operative date specified in subsection (1) of this section, all of the duties, functions**
17 **and powers conferred on the department by the amendments to ORS 30.643, 34.365, 114.515,**
18 **125.055, 125.650, 153.021 and 153.051 by sections 1 to 7 of this 2022 Act.**

19 **SECTION 12. This 2022 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
21 **on its passage.**

22 _____