

Senate Bill 234

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (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**.

Expands authority of Chief Justice of Supreme Court to make rules for gathering specified information and identifying and evaluating disparities and impacts in justice system in Oregon. Directs Oregon State Bar to formulate rules relating to gathering of specified information and identifying and evaluating disparities and impacts in justice system in Oregon.

Limits disclosure of sensitive demographic information requested by courts or Oregon State Bar for purposes of identifying disparities in justice system.

A BILL FOR AN ACT

1
2 Relating to demographic data requested for justice system purposes; amending ORS 1.002.

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

4 **SECTION 1.** ORS 1.002, as amended by section 8, chapter 68, Oregon Laws 2022, is amended
5 to read:

6 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-
7 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court
8 and the administrative head of the judicial department of government in this state. The Chief Justice
9 shall exercise administrative authority and supervision over the courts of this state consistent with
10 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate
11 exercise of that administrative authority and supervision, may:

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

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

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

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

20 (e) Establish time standards for disposition of cases.

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

23 (g) Assign or reassign all court staff of courts operating under the Judicial Department.

24 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish
25 personnel rules and policies for judges of courts operating under the Judicial Department.

26 (i) Establish procedures for closing courts in emergencies.

27 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS
28 174.120 and other rules and laws that refer to periods of time when courts are closed.

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 (k) Take any other action appropriate to the exercise of the powers specified in this section and
 2 other law, and appropriate to the exercise of administrative authority and supervision by the Chief
 3 Justice over the courts of this state.

4 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-
 5 cluding but not limited to rules relating to any of the following:

6 (a) Applications based on the use of the Internet and other similar technologies.

7 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu
 8 of the original paper copy, for any record of the courts maintained under ORS 7.095 and for any
 9 document, process or paper that is served, delivered, received, filed, entered or retained in any
 10 action or proceeding.

11 (c) The use of electronic signatures or another form of identification for any document, process
 12 or paper that is required by any law or rule to be signed and that is:

13 (A) Served, delivered, received, filed, entered or retained in any action or proceeding; or

14 (B) Maintained under ORS 7.095.

15 (d) The use of electronic transmission for:

16 (A) Serving documents in an action or proceeding, other than a summons or an initial complaint
 17 or petition;

18 (B) Filing documents with a court; and

19 (C) Providing certified electronic copies of court documents and other Judicial Department re-
 20 cords to another person or public body.

21 (e) Payment of statutory or court-ordered monetary obligations through electronic media.

22 (f) Electronic storage of court documents.

23 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,
 24 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333
 25 or 810.425.

26 (h) Public access through electronic means to court documents that are required or authorized
 27 to be made available to the public by law.

28 (i) Transmission of open court proceedings through electronic media.

29 (j) Electronic transmission and electronic signature on documents relating to circuit court jurors
 30 under ORS 10.025.

31 (3)(a) The Chief Justice may make rules relating to the data that state courts may require par-
 32 ties and other persons to submit for the purpose of distinguishing particular persons from other
 33 persons, **gathering demographic information or identifying and evaluating disparities and im-**
 34 **acts in the justice system in Oregon.**

35 (b) **The Board of Governors of the Oregon State Bar shall formulate rules relating to the**
 36 **data that the Oregon State Bar may require persons to submit for purposes of distinguishing**
 37 **particular persons from other persons, gathering demographic information or identifying and**
 38 **evaluating disparities and impacts in the justice system in Oregon. Rules adopted under this**
 39 **paragraph are subject to review and approval by the Supreme Court.**

40 (c) If the rules **described in this subsection** require the submission of data that [*state or*] fed-
 41 eral law does not require [*that the courts make*] **be made** public, the rules may [*also*] require courts
 42 [*to keep the data confidential*] **or the Oregon State Bar to maintain the data confidentially** and
 43 not release the data except pursuant to a court order issued for good cause shown. Data that is
 44 made confidential under the rules is not subject to disclosure under ORS 192.311 to 192.478. **Rules**
 45 **described in this subsection may permit the release of data in the aggregate in a manner that**

1 **does not identify any individual person.**

2 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent
3 with the laws governing courts and court procedures, but any person who serves, delivers, receives,
4 files, enters or retains an electronic document, or an electronic image of a paper document in lieu
5 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection
6 (2) of this section shall be considered to have complied with any rule or law governing service, de-
7 livery, reception, filing, entry or retention of a paper document.

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

11 (b) If an appearance is set to occur by electronic means as described in paragraph (a) of this
12 subsection, a presiding judge may instead order that the appearance be in person if, upon the re-
13 quest of a party, the presiding judge determines that there is a particular need for an in-person
14 hearing or that a party has a constitutional right to an in-person hearing.

15 (c) The presiding judge may delegate the authority described in this subsection to another judge
16 of the court.

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

19 (6)(a) As used in this subsection, “period of statewide emergency” means the period of time
20 during which any declaration of a state of emergency under ORS 401.165, public health emergency
21 under ORS 433.441 or catastrophic disaster under Article X-A, section 1, of the Oregon Constitution,
22 issued by the Governor, and any extension of the declaration, is in effect, and continuing for 60 days
23 after the declaration and any extension is no longer in effect.

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

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

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

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

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

34 (c)(A) Notwithstanding ORS 125.150 (3), during a period of statewide emergency, the Chief Jus-
35 tice may direct or permit that any interview of a person described in ORS 125.150 (3) by a visitor
36 appointed by the court be conducted by telephone, other two-way electronic communication device
37 or simultaneous electronic transmission.

38 (B) The presiding judge may delegate the authority described in this paragraph to another judge
39 of the court.

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

42 (7) Rules made and orders issued by the Chief Justice under this section shall permit as much
43 variation and flexibility in the administration of the courts of this state as are appropriate to the
44 most efficient manner of administering each court, considering the particular needs and circum-
45 stances of the court, and consistent with the sound and efficient administration of the judicial de-

1 partment of government in this state.

2 (8)(a) The Chief Justice may establish reasonable fees for the use of the Oregon Judicial Case
3 Information Network, including fees for electronic access to documents.

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

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

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

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

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

17 (10) The Chief Judge of the Court of Appeals and the presiding judge of each judicial district
18 of this state are the administrative heads of their respective courts. They are responsible and ac-
19 countable to the Chief Justice of the Supreme Court in the exercise of their administrative authority
20 and supervision over their respective courts. Other judges of the Court of Appeals or court under
21 a presiding judge are responsible and accountable to the Chief Judge or presiding judge, and to the
22 Chief Justice, in respect to exercise by the Chief Justice, Chief Judge or presiding judge of admin-
23 istrative authority and supervision.

24 (11) The Chief Justice may delegate the exercise of any of the powers specified by this section
25 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers
26 specified by this section to the State Court Administrator, as may be appropriate.

27 (12) This section applies to justices of the peace and the justice courts of this state solely for
28 the purpose of disciplining of justices of the peace and for the purpose of continuing legal education
29 of justices of the peace.

30
