

## **SENATE AMENDMENTS TO SENATE BILL 807**

By COMMITTEE ON JUDICIARY

March 27

1 On page 2 of the printed bill, delete lines 2 through 20 and insert:

2 “(7) If a party, attorney, law firm, district attorney’s office, defense consortium or public  
3 defender’s office files a motion or series of motions under subsection (1) of this section or ORS  
4 14.270 against an elected judge that effectively denies the judge assignment to a criminal or juvenile  
5 delinquency docket in any county within the judge’s judicial district, the judge moved against may  
6 request a hearing before a disinterested judge. The disinterested judge shall make an objective in-  
7 quiry as to whether a reasonable person knowing all the facts and surrounding circumstances would  
8 believe by a preponderance of evidence that the judge lacks impartiality. The burden of proof is on  
9 the party, attorney, law firm, district attorney’s office, defense consortium or public defender’s office  
10 filing the motion under subsection (1) of this section or ORS 14.270. If the inquiry establishes that  
11 a reasonable person would believe the judge lacks impartiality, the motion shall be granted. If the  
12 inquiry does not establish that a reasonable person would believe the judge lacks impartiality, the  
13 disinterested judge shall take appropriate action, which may include an order preventing the party,  
14 attorney, firm, office or consortium from filing a motion or series of motions under subsection (1)  
15 of this section or ORS 14.270 against the judge for a period of up to one year. The Chief Justice  
16 may issue rules to implement this subsection.”.

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