

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 807**

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

