

Requested by Representative MORGAN

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 807**

1 On page 2 of the printed A-engrossed bill, delete lines 6 through 21 and
2 insert:

3 “(7) If a party, attorney, law firm, district attorney’s office, defense con-
4 sortium or public defender’s office files a motion or series of motions under
5 subsection (1) of this section or ORS 14.270 against an elected judge that
6 effectively denies the judge assignment to a civil, criminal or juvenile de-
7 linquency docket in any county within the judge’s judicial district, the judge
8 moved against may request a hearing before a disinterested judge. The dis-
9 interested judge shall make an objective inquiry as to whether a reasonable
10 person knowing all the facts and surrounding circumstances would believe
11 by a preponderance of evidence that the judge lacks impartiality. The burden
12 of proof is on the party, attorney, law firm, district attorney’s office, defense
13 consortium or public defender’s office filing the motion under subsection (1)
14 of this section or ORS 14.270. If the inquiry establishes that a reasonable
15 person would believe the judge lacks impartiality, the motion shall be
16 granted. If the inquiry does not establish that a reasonable person would
17 believe the judge lacks impartiality, the motion shall be denied.”.

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