

SB 807-A7  
(LC 3749)  
5/17/23 (MNJ/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jason Kropf)

**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)(a) If a party, attorney, law firm, district attorney’s office, defense  
4 consortium or public defender’s office files a motion or series of motions  
5 under subsection (1) of this section or ORS 14.270 against an elected judge  
6 that effectively denies the judge assignment to a criminal or juvenile delin-  
7 quency docket in any county within the judge’s judicial district, the judge  
8 moved against may request a hearing before a disinterested judge. For a  
9 hearing under this subsection, the disinterested judge may not be from the  
10 same judicial district as the judge moved against. The party, attorney, law  
11 firm, district attorney’s office, defense consortium or public defender’s office  
12 may file a supplemental affidavit providing specific grounds for a reasonable  
13 good faith belief that the judge lacks impartiality.

14 “(b) The disinterested judge shall make an objective inquiry as to:

15 “(A) Whether the motion or series of motions effectively denies the judge  
16 assignment to a criminal or juvenile delinquency docket in any county  
17 within the judge’s judicial district; and

18 “(B) Whether there is a reasonable good faith belief that the judge lacks  
19 impartiality. The burden of proof under this subparagraph is on the party,  
20 attorney, law firm, district attorney’s office, defense consortium or public  
21 defender’s office filing the motion under subsection (1) of this section or ORS

1 14.270.

2 “(c) If the inquiry establishes that the motion or series of motions does  
3 not effectively deny the judge assignment to a criminal or juvenile delin-  
4 quency docket, the motion shall be decided under subsection (1) of this sec-  
5 tion.

6 “(d) If the inquiry establishes that the motion or series of motions effec-  
7 tively denies the judge assignment to a criminal or juvenile delinquency  
8 docket and establishes a reasonable good faith belief that the judge lacks  
9 impartiality, the motion shall be granted.

10 “(e) If the inquiry establishes that the motion or series of motions effec-  
11 tively denies the judge assignment to a criminal or juvenile delinquency  
12 docket and does not establish a reasonable good faith belief that the judge  
13 lacks impartiality, the disinterested judge shall take appropriate action,  
14 which may include an order preventing the party, attorney, law firm, district  
15 attorney’s office, defense consortium or public defender’s office, for a period  
16 of no more than 12 months, from filing a motion or series of motions under  
17 subsection (1) of this section or ORS 14.270 against the judge that effectively  
18 denies the judge assignment to a criminal or juvenile delinquency docket in  
19 any county within the judge’s judicial district. An order under this para-  
20 graph must allow the filing of a motion or series of motions:

21 “(A) Made upon a new reasonable good faith belief that the judge lacks  
22 impartiality; or

23 “(B) Made personally by the defendant without the involvement of the  
24 defendant’s attorney, or made on behalf of the person named as the victim  
25 in the charging instrument, under subsection (1) of this section.

26 “(f) The Chief Justice may issue rules to implement this subsection.”.

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