

SB 807-A8
(LC 3749)
5/24/23 (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 fairness or 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 fairness or impartiality. The burden of proof under this subparagraph is on
20 the party, attorney, law firm, district attorney’s office, defense consortium
21 or public defender’s office filing the motion under subsection (1) of this sec-

1 tion or ORS 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 fairness or 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 fairness or impartiality, the motion shall be denied.

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

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