

**Oregon Law Commission
Municipal and Justice Court Appeals Process Workgroup
Amendment Note
HB 2460 – 1 Amendment**

Substantive Change

Section 9, Section 13 and Section 18b – Justice Courts (Section 39a, Section 42, and Section 46 – Municipal Courts)

- The -1 Amendment addresses a concern regarding the process included in HB 2460 as introduced to appeal a guilty or no contest plea. The proposed language draws from the statutes that would be relevant to appeals of guilty or no contest pleas in ORS 138.105 and 138.085, which establish a requirement to plead a claim of legal error in the notice of appeal.

The goal of this language is to incorporate the concept from ORS Chapter 138 into the framework for appeals from courts not-of-record. But, because of the lack of record, the circuit court will not assess the merits of the asserted claim of legal error. Instead, a new sentencing proceeding is necessary because legal questions like whether a consecutive sentence was allowed would be dependent on the evidence about the facts of the case, and whether any factual findings in a written order were supported by the record could not be determined without a record.

The equivalent changes were made to the municipal court sections (Sections 39a, Section 42, and Section 46).

Technical Changes

Additional changes were made to HB 2460 by the -1 Amendment. These changes, however, were technical in nature, and do not change the analysis found in the report.