

HB 2461 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Tisha Pascone, LPRO Analyst

Meeting Dates: 4/14, 4/21

WHAT THE MEASURE DOES:

The measure modifies the minimum notice requirement for requesting remote testimony in civil cases to be any time that is sufficiently in advance of the testimony date to allow the opposing party to challenge the good cause factors supporting the request and to establish any factors of prejudice. The measure also modifies the court's consideration of whether facilities are readily available, to include whether reliable facilities or technology are readily available for the court, counsel, parties, and witness.

HOUSE VOTE: Ayes, 55; Nays, 0

ISSUES DISCUSSED:

- Measure's applicability to civil cases only, not criminal cases
- Council on Court Procedures process for developing proposal
- Courts' existing authority to allow shorter notice than presumptive 30 day minimum

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In civil cases, ORS 45.400 allows the court to consider a number of factors to decide whether there is good cause to allow remote testimony at a trial or hearing and whether it outweighs any factors of prejudice to the party opposing the motion. The request must be made at least 30 days in advance, unless the court finds good cause to allow less notice. A request for remote testimony at a civil trial must also demonstrate a compelling need for the testimony to be remote.