

## HB 2460 A STAFF MEASURE SUMMARY

### Senate Committee On Judiciary

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**Prepared By:** Kris Kolta, LPRO Analyst

**Meeting Dates:** 4/14, 4/30

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#### WHAT THE MEASURE DOES:

This measure reorganizes, streamlines, and clarifies existing statutory provisions that govern appeals from justice and municipal courts.

#### Detailed Summary:

##### **Jurisdiction of justice and municipal courts**

- Clarifies that jurisdiction over animal abuse offenses does not extend to felony cases.
- Requires that a municipal court hearing a challenge on the constitutionality of a charter or ordinance provision first render judgment on constitutionality before addressing the merits of a related claim or charge.

##### **Criminal case processes**

- Allows a defendant to transfer a case to a circuit court after an adverse ruling on a pretrial motion with the prosecutor and local court's consent, a procedure akin to a conditional guilty plea.
- Clarifies that in justice and municipal courts a defendant cannot enter a conditional guilty plea.

##### **Recordkeeping processes**

- Standardizes record-keeping procedures and requirements and designates them public records.
- Specifies uniform docketing processes and substantive requirements.

##### **Appeals**

- Sets out the circuit court's scope of review, broad appellate authority, and standards as to consideration of new evidence and entry of judgment.
- Streamlines statutes from various ORS Chapters regarding local court proceedings and appeals.
- Clarifies the process of appealing and transferring a case from a local court to a circuit court.
- Sets additional procedures regarding the scope of review and entry of judgment on the appeal of civil cases, misdemeanor and violation cases including default judgments, guilty and no-contest pleas.
- Requires a local court to provide the name and contact information of any person to whom the party must send a notice of appeal, along with instructions of how to make such a request.
- Standardizes deadlines, fees, substantive, notice, and service requirements for notices of appeal.
- Incorporates language from ORS 138.105 and 138.085 to require appellants to plead a claim of legal error in their notice of appeal and clarify the limited scope of an appeal from a guilty or no-contest plea.
- Directs the State Court Administrator to create a model notice of appeal form.
- Preserves the right to seek a writ of review for errors of law by the court issuing judgment, for violation and misdemeanor proceedings, and for orders involving the constitutionality of a statute.

##### **Operative and Effective Dates**

- Takes effect on the 91<sup>st</sup> day following adjournment sine die.
- Sets operative date of January 1, 2026, for all provisions except statutory compilation directions in Sections 30b, 36, and 55.

HOUSE VOTE: Ayes, 55; Nays, 0

*FISCAL: Has a minimal fiscal impact*

*REVENUE: Has a minimal revenue impact*

**ISSUES DISCUSSED:**

- Potential increase of volume and costs of appeals
- Measure's relationship to existing law
- Time period to file appeal
- Applies similarly to municipal and justice courts
- Requirement that a judge be an attorney to preside over a court of record
- Scope of justice courts' criminal jurisdiction

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Justice and municipal courts are distinct from the Oregon Judicial Department's unified court system. Justice courts are established by the county in which they are located; municipal courts are established by the city in which they are located. These local courts handle county- and city-specific cases, as well as some state cases. According to the Secretary of State, Oregon has 32 justice and over 100 municipal courts. These local courts are situated in population centers throughout a county. Many cases in justice and municipal court involve self-represented litigants. In cases that may result in a loss of liberty, a defendant is entitled to a public defender.

Justice courts have jurisdiction within their county, concurrent with the circuit court, in cases involving violations and misdemeanors but not for felonies. For example, justice courts have jurisdiction over traffic; boating; wildlife; violations of county codes, ordinances, and other misdemeanors occurring in their county. They also have jurisdiction over certain civil actions where the money or damages claimed do not exceed \$10,000, in eviction cases, and a Justice of the Peace may perform weddings.

Municipal courts have concurrent jurisdiction with circuit and justice courts over violations and misdemeanors committed or triable in the city in which the court is located. Municipal courts do not have jurisdiction over felonies or civil actions. They primarily hear cases involving parking and pedestrian violations; traffic violations and misdemeanors; vehicle impoundments and forfeitures; and violations of municipal codes and ordinances. They also hear certain cases involving minor tobacco, liquor, and drug violations. A municipal judge may also perform weddings.

The appeals process for a justice or municipal courts depends on whether that local court is a court of record. The Oregon Court of Appeals can only take appeals from a court of record, which includes circuit courts and local courts that have become a court of record under ORS 51.025 or ORS 221.342. To become a court of record, local courts must meet specified requirements, and the county must file a sworn declaration with the Oregon Supreme Court. A county may only elect to make its justice court a court of record if it is not located within 50 miles of the county's circuit court. Currently, eight (8) municipal courts and no (0) justice courts are courts of record.

When a local court is not a court of record, any appeal must go to the circuit court. The type of local court (justice or municipal) and the type of case (civil, violation, or misdemeanor) also influence how a case is appealed. House Bill 2460 is a product of the Oregon Law Commission, which in close collaboration with a work group, developed this bill to standardize and streamline local courts' appellate processes.