

SB 98 A STAFF MEASURE SUMMARY

Carrier: Sen. McLane

Senate Committee On Judiciary

Action Date: 02/12/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 6-0-0-0

Yeas: 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Tisha Pascone, LPRO Analyst

Meeting Dates: 2/3, 2/12

WHAT THE MEASURE DOES:

The measure updates laws regarding court authority, procedures and processes.

Detailed Summary

Sections 1-4, 14, and 15: Electronic communications.

- Permits the court to transmit appellate documents in electronic form, by changing requirements from mailing to sending, for a final appellate determination, an appellate judgment, and an order allowing a petition for mandamus and the issuance of an alternative writ of mandamus. Conforms language for when an appellate judgment is effective and when appellate jurisdiction ends.
- Allows the court to set methods for persons to request excuse from jury service or to return a juror eligibility form, instead of statutorily designating telephone, mail, or personal delivery methods.

Section 5: Contempt proceedings in marital annulment, dissolution, or separation.

- Clarifies language to reflect contempt proceedings have separate orders and attorney fee awards from the underlying marital annulment, dissolution, or separation proceedings, and are brought for the purpose of enforcing an order or judgment in the underlying proceeding.

Section 6 -8: Court administration.

- Permits the Supreme Court to delegate rulemaking to the Chief Justice, and for the Chief Justice to make rules under that delegation.
- Removes rulemaking authority about facsimile communication with the court.
- Designates the Tax Court Judge as the administrative head of the Tax Court, to whom tax magistrates report.

Section 9 - 13 and 16 -19: Terms and process requirements in family law proceedings.

- Reduces number of certified copies required to register a foreign judgment from two to one in child custody determinations.
- Permits persons to submit a declaration under penalty of perjury where currently only a notarized affidavit suffices for a motion to change venue or to file a foreign judgment.
- Revises term 'protective order of restraint' to 'prejudgment status quo order,' for preserving the status quo of child custody and parenting time pending determination by the court.
- Changes term from 'auxiliary court' to 'additional court' for an additional court that may be granted concurrent jurisdiction over a child custody and support matter for the convenience of the parties.

Section 20: Publication of appellate decisions.

- Changes the publication requirement for Supreme Court, Court of Appeals, and Tax Court decisions, by requiring that the Supreme Court arrange for publication and distribution physical copies but need not do so in bound volumes. Require that at least one physical copy of reports or advance sheets be maintained at the State of Oregon Law Library, and at least one free physical copy be maintained at each accredited law school

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in Oregon.

Section 21: Setting aside eviction cases.

- Adds a cross-reference in law requiring set aside of old or resolved eviction actions, to include judgments of dismissal based on parties' stipulated agreements.

Section 22: Operative dates.

- Sets operative date of Jan. 1, 2026, for Sections 1-5 and 9-20.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Whether persons still have the option to receive notices by mail
- Whether bound volumes of appellate decisions will still be available to the public
- Economies of scale for print publications
- Planning contingencies for internet outages

EFFECT OF AMENDMENT:

The amendments correct the applicable statutory references involving stipulated agreements to dismiss eviction cases and make that section effective on passage of the measure. The amendments also change the statutory requirement that the Supreme Court arrange for publication and distribution of bound copies of appellate decisions by allowing physical copies instead. At least one physical copy of reports or advance sheets must be maintained at the State of Oregon Law Library, and at least one free physical copy must be maintained at each accredited law school in Oregon.

BACKGROUND:

The Oregon Judicial Department (the Judicial Branch) periodically reviews laws regarding the court system for modernization, efficiency, accessibility and accuracy, and recommends changes to Legislative Assembly. Senate Bill 98 A is an omnibus compilation of such recommendations.