

HB 2461 STAFF MEASURE SUMMARY

Carrier: Rep. Andersen

House Committee On Judiciary

Action Date: 03/11/25

Action: Do Pass.

Vote: 8-0-0-0

Yeas: 8 - Andersen, Chaichi, Chotzen, Kropf, Lewis, Mannix, Tran, Wallan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Tisha Pascone, LPRO Analyst

Meeting Dates: 2/4, 3/11

WHAT THE MEASURE DOES:

The measure modifies the minimum notice requirement for requesting remote testimony in civil cases to 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.

ISSUES DISCUSSED:

- Council of Court Procedures process for recommending changes to law
- Goal of increasing convenience for parties, access to expert witnesses, and victim safety
- Local and case-specific factors impact whether adequate facilities are available
- Balancing flexibility with goals of greater uniformity and predictability of the court system
- Increasing access to justice for unrepresented court participants

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. A request for remote testimony at a civil trial must also demonstrate a compelling need for the testimony to be remote.