



Legislative Fiscal Office
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Bill Title: Relating to courts.

Government Unit(s) Affected: Judicial Department, Department of State Police, Counties, District Attorneys, Public Defense Commission

Summary of Fiscal Impact

Costs related to the measure are anticipated to be minimal - see explanatory analysis.

Measure Description

The measure adds Marion County to the list of counties allowed to establish a justice of the peace district to include the county seat or city in which a circuit court resides. The measure also increases the amount a judicial officer and county clerk may charge for the solemnization of a marriage from \$100 to \$200 plus actual costs, if performed at a place other than a courthouse, or outside of the judicial officer's or county clerk's normal working hours, and directs the State Court Administrator within the Oregon Judicial Department (OJD) to index the payment amount relating to the solemnization of a marriage performed by a judicial officer or county clerk each year before July 1, to reflect cost of living increases or decreases based on the changes in the Consumer Price Index.

Fiscal Analysis

Under current law, justice courts have parallel jurisdiction with circuit courts over small claims, Forcible Entry and Detainer cases (aka evictions), civil matters under \$10,000, violation offenses, and misdemeanor cases that reside within their boundaries, and provide public defense for certain case types. There are currently nine counties that are an exception and allowed to include the jurisdiction where a circuit court resides. No more than six justice of the peace districts are allowed to be in any one county. Justice courts are of limited geographical jurisdiction due to their boundaries not allowing for overlap with the circuit court's jurisdiction. Petitioners that fall into the jurisdiction of either court may choose where to file their case. Law enforcement and district attorneys can similarly choose to prosecute or issue citations to appear in any court that has jurisdiction over an offense.

Expanding the boundaries of the Marion County justice of the peace district, which would have no geographical limit, could potentially effect whether prosecutors and law enforcement officers decide to charge a violation or misdemeanor in a justice court or circuit court. Marion County justice court could see an increase in cases filed within the court that would not have been previously allowed, which could impact local government expenditures and revenue depending on the number of cases filed within the court. Conversely, there could be a decrease in cases filed within the Marion Circuit Court that could affect their expenditures and revenues transferred to the state, as justice courts retain a greater percentage of revenue generated from violation and misdemeanor fines than circuit courts. These changes could have adverse revenue implications on the Criminal Fines Account. The removal of geographical limits may also lead to an increase in indigent defense service costs for justice courts, if a petitioner chooses to file within their court, which in turn would cause a decrease of the Public Defense Commission expenditures on certain misdemeanor cases.

Additionally, increasing the fee for a marriage solemnization would have an indeterminate increase in revenue for the county or circuit court performing the solemnization. Under current law, a judicial officer (i.e., statutory judgeship) and county clerk may charge up to \$100 plus actual costs of performing the solemnization outside of the courthouse or normal working hours. The measure would allow a judicial officer and county clerk to charge up to \$200 plus actual costs.

According to recent Oregon Health Authority data, there were 24,277 actual marriage licenses and registrations in 2023. Once a marriage license application is signed it must be solemnized, through a wedding ceremony, within 60 days of the license being valid. If a marriage is solemnized by a statutory judge, the fee collected is deposited into the OJD Operating Account. Conversely, if the marriage performed by the county clerk, then the county retains the fee. According to OJD, the Department conducted 252 solemnizations in 2024. Presuming that same number of solemnizations, that would result in an additional \$25,200 Other Funds revenue deposited in the OJD Operating Account. The actual amount of revenue will be dependent on the number of solemnizations done by a judicial officer and county clerk.

Relevant Dates

The measure takes effect on January 1, 2026.

The provisions relating to the price increase apply to marriages solemnized on or after the effective date.