

House Bill 2306

Sponsored by Representatives MANNIX, EVANS, Senator THATCHER, Representatives ANDERSEN, DIEHL, Senator PATTERSON (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lets Marion County have a justice of the peace district that includes the county seat. The Act ups the limit on claims in small claims court and indexes it to the CPI. The Act ups a fee for getting married and indexes it to the CPI. The Act tells the DSP to let justice courts check addresses in LEDS. (Flesch Readability Score: 83.1).

Allows the Marion County board of county commissioners to establish a justice of the peace district that includes the county seat.

Increases the limitation on amounts that can be claimed in the small claims departments of circuit courts and justice courts and directs the State Court Administrator to adjust the limitations to reflect changes in the Consumer Price Index.

Increases the marriage solemnization fee and directs the State Court Administrator to adjust the fee to reflect changes in the Consumer Price Index.

Directs the Department of State Police to allow a justice court to verify the address of a defendant using the Law Enforcement Data System.

A BILL FOR AN ACT

1
2 Relating to courts; creating new provisions; and amending ORS 46.405, 46.425, 46.461, 51.020, 55.011,
3 55.095, 106.120, 133.055 and 205.320.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 51.020 is amended to read:

6 51.020. (1) The county court or board of county commissioners of every county may set off and
7 establish, or modify the boundaries of, justice of the peace districts within the county. No more
8 than six justice of the peace districts shall be set off or established or permitted to remain in ex-
9 istence within any county. Except in the counties of Baker, Crook, Gilliam, Grant, Harney, **Marion**,
10 Morrow, Sherman, Tillamook and Wheeler, a justice of the peace district may not include any por-
11 tion of the city that is the county seat for the county or any portion of a city in which a circuit
12 court regularly holds court. In the counties of Baker, Gilliam, Grant, Harney, Morrow, Sherman,
13 Tillamook and Wheeler, a justice of the peace district in existence on January 15, 1998, may include
14 any portion of the city that is the county seat for the county, or any portion of a city in which a
15 circuit court regularly holds court, until such time as the justice court ceases to provide judicial
16 services within the county seat or city. If the justice court ceases to provide judicial services within
17 the county seat or city, the district that includes portions of the county seat or city shall cease to
18 exist and may not thereafter be reestablished.

19 (2) At the time that the county court or board of county commissioners of a county sets off and
20 establishes the boundaries of a justice of the peace district, the county court or board of county
21 commissioners may require as a qualification for the office that a person serving as justice of the
22 peace in the district be a member of the Oregon State Bar.

23 (3) The prohibition of subsection (1) of this section on a justice of the peace district that in-
24 cludes any portion of the city that is the county seat for the county, or any portion of a city in

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 which a circuit court regularly holds court, does not prevent a justice of the peace from conducting
 2 an arraignment for a person in custody in the city that is the county seat for the county, or in a
 3 city in which a circuit court regularly holds court, if the accusatory instrument for the offense was
 4 filed in the justice court and the offense was committed within the boundaries of the justice of the
 5 peace district.

6 **SECTION 2.** ORS 46.405 is amended to read:

7 46.405. (1) Except as provided in subsection (6) of this section, each circuit court shall have a
 8 small claims department.

9 (2) Except as provided in this section, all actions for the recovery of money, damages, specific
 10 personal property, or any penalty or forfeiture must be commenced and prosecuted in the small
 11 claims department if the amount or value claimed in the action does not exceed \$750.

12 (3)(a) Except as provided in this section, an action for the recovery of money, damages, specific
 13 personal property, or any penalty or forfeiture may be commenced and prosecuted in the small
 14 claims department if the amount or value claimed in the action does not exceed [~~\$10,000~~] **\$15,000**.

15 **(b) The State Court Administrator shall index the limitation set forth in paragraph (a)**
 16 **of this subsection each year on or before July 1 to reflect increases or decreases in the cost**
 17 **of living for the previous calendar year, based on changes in the Consumer Price Index for**
 18 **All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-**
 19 **tics of the United States Department of Labor or a successor agency. The State Court Ad-**
 20 **ministrator shall publish the adjusted limitation on the Judicial Department website. In**
 21 **adjusting the limitation, the State Court Administrator shall round to the nearest \$100, but**
 22 **shall use unrounded adjusted amounts to calculate the limitation during the succeeding year.**
 23 **The new limitation becomes effective on July 1 of the year in which the State Court Ad-**
 24 **ministrator makes the adjustment.**

25 (4)(a) Class actions may not be commenced and prosecuted in the small claims department.

26 (b) An action by an adult in custody, as defined in ORS 30.642, against another adult in custody
 27 may not be commenced and prosecuted in the small claims department.

28 (5) Actions providing for statutory attorney fees in which the amount or value claimed does not
 29 exceed \$750 may be commenced and prosecuted in the small claims department or may be com-
 30 menced and prosecuted in the regular department of the circuit court. This subsection does not
 31 apply to an action based on contract for which attorney fees are authorized under ORS 20.082.

32 (6) If a circuit court is located in the same city as a justice court, the circuit court need not
 33 have a small claims department if the circuit court and the justice court enter into an intergovern-
 34 mental agreement that provides that only the justice court will operate a small claims department.
 35 If an intergovernmental agreement is entered into under this subsection, the agreement must es-
 36 tablish appropriate procedures for referring small claims cases to the justice court.

37 **SECTION 3.** ORS 55.011 is amended to read:

38 55.011. (1) Except as provided in subsection (8) of this section, in each justice court created
 39 under any law of this state there shall be a small claims department.

40 (2) Except as provided in this section, all actions for the recovery of money, damages, specific
 41 personal property, or any penalty or forfeiture must be commenced and prosecuted in the small
 42 claims department if the amount or value claimed in the action does not exceed \$750.

43 (3)(a) Except as provided in this section, an action for the recovery of money, damages, specific
 44 personal property, or any penalty or forfeiture may be commenced and prosecuted in the small
 45 claims department if the amount or value claimed in the action does not exceed [~~\$10,000~~] **\$15,000**.

1 **(b) The State Court Administrator shall index the limitation set forth in paragraph (a)**
 2 **of this subsection each year on or before July 1 to reflect increases or decreases in the cost**
 3 **of living for the previous calendar year, based on changes in the Consumer Price Index for**
 4 **All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-**
 5 **tics of the United States Department of Labor or a successor agency. The State Court Ad-**
 6 **ministrator shall publish the adjusted limitation on the Judicial Department website. In**
 7 **adjusting the limitation, the State Court Administrator shall round to the nearest \$100, but**
 8 **shall use unrounded adjusted amounts to calculate the limitation during the succeeding year.**
 9 **The new limitation becomes effective on July 1 of the year in which the State Court Ad-**
 10 **ministrator makes the adjustment.**

11 (4) Class actions may not be commenced and prosecuted in the small claims department.

12 (5) Actions providing for statutory attorney fees in which the amount or value claimed does not
 13 exceed \$750 may be commenced and prosecuted in the small claims department or may be com-
 14 menced and prosecuted in the regular department of the justice court. This subsection does not
 15 apply to an action based on contract for which attorney fees are authorized under ORS 20.082.

16 (6) Jurisdiction of the person of the defendant in an action commenced in the small claims de-
 17 partment shall be deemed acquired as of the time of service of the notice and claim.

18 (7) Except as provided in ORS 55.065 (2)(c), the provisions of ORS 55.020 to 55.140 shall apply
 19 with regard to proceedings in the small claims department of any justice court.

20 (8) If a justice court is located in the same city as a circuit court, the justice court need not
 21 have a small claims department if the justice court and the circuit court enter into an intergovern-
 22 mental agreement that provides that only the circuit court will operate a small claims department.
 23 If an intergovernmental agreement is entered into under this subsection, the agreement must es-
 24 tablish appropriate procedures for referring small claims cases to the circuit court.

25 **SECTION 4.** ORS 46.425 is amended to read:

26 46.425. (1) An action in the small claims department shall be commenced by the plaintiff's filing
 27 with the clerk of the court a claim in the form prescribed by the court.

28 (2) The claim shall:

29 (a) Contain the name and address of the plaintiff and of the defendant, followed by a plain and
 30 simple statement of the claim, including the amount and the date the claim allegedly accrued;

31 (b) State that the plaintiff made a good faith effort to collect the claim from the defendant before
 32 filing the claim with the clerk; and

33 (c) Include an affidavit attesting to the accuracy of the statements described in paragraphs (a)
 34 and (b) of this subsection or a declaration under penalty of perjury in the form required by ORCP
 35 1 E.

36 (3) Except in actions arising under ORS chapter 90, the plaintiff must include in a claim all
 37 amounts claimed from the defendant arising out of a single transaction or occurrence. Any plaintiff
 38 alleging damages on a transaction requiring installment payments need only claim the installment
 39 payments due and owing as of the date of filing of the claim, and need not accelerate the remaining
 40 payments. The plaintiff may include in a claim all amounts claimed from a defendant on more than
 41 one transaction or occurrence if the total amount of the claim does not exceed [*\$10,000*] **the limit**
 42 **provided under ORS 46.405 (3).**

43 (4) Notwithstanding subsection (3) of this section, a plaintiff bringing an action on assigned
 44 claims:

45 (a) Need bring an action only on those claims that have been assigned as of the date the action

1 is filed; and

2 (b) May bring separate actions for each person assigning claims to the plaintiff.

3 **SECTION 5.** ORS 46.461 is amended to read:

4 46.461. (1) The defendant in an action in the small claims department may assert as a counter-
5 claim any claim that, on the date of issuance of notice pursuant to ORS 46.445, the defendant may
6 have against the plaintiff and that arises out of the same transaction or occurrence that is the
7 subject matter of the claim filed by the plaintiff.

8 (2) If the amount or value of the counterclaim exceeds *[\$10,000]* **the limit provided under ORS**
9 **46.405 (3)**, the court shall strike the counterclaim and proceed to hear and dispose of the case as
10 though the counterclaim had not been asserted unless the defendant files with the counterclaim a
11 motion requesting that the case be transferred from the small claims department to the circuit court.
12 After the transfer the plaintiff's claim will not be limited to the amount stated in the claim filed
13 with the small claims department, though it must involve the same controversy.

14 (3)(a) If the amount or value of the counterclaim exceeds that specified in subsection (2) of this
15 section, and the defendant files a motion requesting transfer as provided in subsection (2) of this
16 section, the case shall be transferred to the circuit court. The clerk of the court shall notify the
17 plaintiff and defendant, by mail, of the transfer. The notice to the plaintiff shall contain a copy of
18 the counterclaim and shall instruct the plaintiff to file with the court and serve by mail on the de-
19 fendant, within 20 days following the mailing of the notice, a reply to the counterclaim and, if the
20 plaintiff proposes to increase the amount of the claim originally filed with the small claims depart-
21 ment, an amended claim for the increased amount. Proof of service on the defendant of the
22 plaintiff's reply and amended claim may be made by certificate of the plaintiff or plaintiff's attorney
23 attached to the reply and amended claim filed with the court. The defendant is not required to an-
24 swer an amended claim of the plaintiff.

25 (b) Upon filing the motion requesting transfer, the defendant shall pay to the clerk of the court
26 an amount equal to the difference between the fee paid by the defendant as required by ORS 46.570
27 and the fee required of a defendant under ORS 21.160. Upon filing a reply to the counterclaim, the
28 plaintiff shall pay to the clerk of the court an amount equal to the difference between the fee paid
29 by the plaintiff as required by ORS 46.570 and the fee required of a plaintiff under ORS 21.160.

30 **SECTION 6.** ORS 55.095 is amended to read:

31 55.095. (1) The defendant in an action in the small claims department may assert as a counter-
32 claim any claim that, on the date of issuance of notice pursuant to ORS 55.045, the defendant may
33 have against the plaintiff and that arises out of the same transaction or occurrence that is the
34 subject matter of the claim filed by the plaintiff.

35 (2) If the amount of the counterclaim asserted by the defendant exceeds *[\$10,000]* **the limit**
36 **provided in ORS 55.011 (3)**, the justice of the peace shall strike the counterclaim and proceed to
37 hear and dispose of the case as though the counterclaim had not been asserted unless the defendant
38 files with the counterclaim a motion requesting that the case be transferred from the small claims
39 department to a court of appropriate jurisdiction and an amount to pay the costs of the transfer.
40 After the transfer the plaintiff's claim will not be limited to the amount stated in the claim filed
41 with the justice of the peace, though it must involve the same controversy.

42 (3)(a) If the amount or value of the counterclaim exceeds the jurisdictional limit of the justice
43 court for a counterclaim and the defendant files a motion requesting transfer and an amount to pay
44 the costs of transfer as provided in subsection (2) of this section, the case shall be transferred to
45 the circuit court for the county in which the justice court is located and be governed as provided

1 in ORS 52.320 for transfers to the circuit court. The justice court shall notify the plaintiff and de-
 2 fendant, by mail within 10 days following the order of transfer, of the transfer. The notice to the
 3 plaintiff shall contain a copy of the counterclaim and shall inform the plaintiff as to further pleading
 4 by the plaintiff in the court of appropriate jurisdiction.

5 (b) Upon filing the motion requesting transfer, the defendant shall pay to the court of appro-
 6 priate jurisdiction an amount equal to the difference between the fee paid by the defendant as re-
 7 quired by ORS 51.310 (1)(c) and the appearance fee for a defendant in the court of appropriate
 8 jurisdiction.

9 **SECTION 7.** ORS 133.055 is amended to read:

10 133.055. (1) A peace officer may issue a criminal citation to a person if the peace officer has
 11 probable cause to believe that the person has committed a misdemeanor or has committed any felony
 12 that is subject to misdemeanor treatment under ORS 161.705. The peace officer shall deliver a copy
 13 of the criminal citation to the person. The criminal citation shall require the person to appear at
 14 the court of the magistrate before whom the person would be taken pursuant to ORS 133.450 if the
 15 person were arrested for the offense.

16 (2)(a) Notwithstanding the provisions of subsection (1) of this section, when a peace officer re-
 17 sponds to an incident of domestic disturbance and has probable cause to believe that an assault has
 18 occurred between family or household members, as defined in ORS 107.705, or to believe that one
 19 such person has placed the other in fear of imminent serious physical injury, the officer shall arrest
 20 and take into custody the alleged assailant or potential assailant.

21 (b) When the peace officer makes an arrest under paragraph (a) of this subsection, the peace
 22 officer is not required to arrest both persons.

23 (c) When a peace officer makes an arrest under paragraph (a) of this subsection, the peace of-
 24 ficer shall make every effort to determine who is the assailant or potential assailant by considering,
 25 among other factors:

26 (A) The comparative extent of the injuries inflicted or the seriousness of threats creating a fear
 27 of physical injury;

28 (B) If reasonably ascertainable, the history of domestic violence between the persons involved;

29 (C) Whether any alleged crime was committed in self-defense; and

30 (D) The potential for future assaults.

31 (d) As used in this subsection, "assault" includes conduct constituting strangulation under ORS
 32 163.187.

33 (3) Whenever any peace officer has reason to believe that a family or household member, as
 34 defined in ORS 107.705, has been abused as defined in ORS 107.705 or that an elderly person or a
 35 person with a disability has been abused as defined in ORS 124.005, that officer shall use all rea-
 36 sonable means to prevent further abuse, including advising each person of the availability of a
 37 shelter or other services in the community and giving each person immediate notice of the legal
 38 rights and remedies available. The notice shall consist of handing each person a copy of the fol-
 39 lowing statement:

40
 41
 42 IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE OR ABUSE, you can ask the district
 43 attorney to file a criminal complaint. You also have the right to go to the circuit court and file a
 44 petition requesting any of the following orders for relief: (a) An order restraining your attacker from
 45 abusing you; (b) an order directing your attacker to leave your household; (c) an order preventing

1 your attacker from entering your residence, school, business or place of employment; (d) an order
2 awarding you or the other parent custody of or parenting time with a minor child or children; (e)
3 an order restraining your attacker from molesting or interfering with minor children in your cus-
4 tody; (f) an order awarding you other relief the court considers necessary to provide for your or
5 your children’s safety, including emergency monetary assistance. Such orders are enforceable in
6 every state.

7 You may also request an order awarding support for minor children in your care or for your
8 support if the other party has a legal obligation to support you or your children.

9 You also have the right to sue for losses suffered as a result of the abuse, including medical and
10 moving expenses, loss of earnings or support, and other out-of-pocket expenses for injuries sustained
11 and damage to your property. This can be done without an attorney in the small claims department
12 of a court if the total amount claimed is under **[\$10,000] the amount provided by law.**

13 Similar relief may also be available in tribal courts.

14 For further information you may contact: _____
15 _____

16
17 **SECTION 8.** ORS 106.120 is amended to read:

18 106.120. (1) As used in this section:

19 (a) “Judicial officer” means:

20 (A) A judicial officer of this state as that term is defined in ORS 1.210 and includes but is not
21 limited to a judge of a municipal court and a justice of the peace.

22 (B) An active judge of a federal court.

23 (C) An active United States magistrate judge.

24 (b) “Secular organization” means an organization that occupies a place in the lives of the
25 organization’s members parallel to that filled by a church or particular religious authority.

26 (2) Marriages may be solemnized by:

27 (a) A judicial officer;

28 (b) A county clerk;

29 (c) Religious congregations or organizations as indicated in ORS 106.150 (2);

30 (d) A clergyperson of any religious congregation or organization who is authorized by the reli-
31 gious congregation or organization to solemnize marriages;

32 (e) Secular organizations as indicated in ORS 106.150 (2); or

33 (f) A celebrant or officiant of any secular organization described in paragraph (e) of this sub-
34 section who is authorized by the secular organization to solemnize marriages.

35 (3) A person authorized to solemnize marriages under subsection (2) of this section may
36 solemnize a marriage anywhere in this state.

37 (4)(a) When a marriage is solemnized by a tax, appellate or circuit judge of this state, the clerk
38 of the court or the county clerk shall collect a fee of **[\$117] \$200** and deposit the fee in the Judicial
39 Department Operating Account established in ORS 1.009.

40 (b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of
41 **[\$117] \$200**, as provided in ORS 205.320.

42 (c) The fee described in this subsection may be collected only if:

43 (A) The marriage is solemnized during normal working hours, excluding holidays;

44 (B) The marriage is solemnized in court facilities or a county clerk’s office; or

45 (C) More than a minimal amount of staff time or other court or county clerk’s office resources

1 are used in connection with the solemnization.

2 (d) The Chief Justice of the Supreme Court or the county clerk may establish a written proce-
 3 dure for waiver of the fee required under this subsection in exigent circumstances, including but not
 4 limited to indigency of the parties to the marriage.

5 (e) **The State Court Administrator shall index the fees set forth in paragraphs (a) and (b)**
 6 **of this subsection each year on or before July 1 to reflect increases or decreases in the cost**
 7 **of living for the previous calendar year, based on changes in the Consumer Price Index for**
 8 **All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-**
 9 **tics of the United States Department of Labor or a successor agency. The State Court Ad-**
 10 **ministrator shall publish the adjusted fees on the Judicial Department website. In adjusting**
 11 **the fees, the State Court Administrator shall round to the nearest \$1, but shall use un-**
 12 **rounded adjusted amounts to calculate the fees during the succeeding year. The new fees**
 13 **become effective on July 1 of the year in which the State Court Administrator makes the**
 14 **adjustment.**

15 (5) In addition to any fee collected under subsection (4) of this section, a judicial officer of this
 16 state and a county clerk may charge and accept an agreed upon personal payment not to exceed
 17 \$100 plus actual costs for the solemnization of a marriage if that solemnization is performed:

- 18 (a) At a place other than the courthouse where the judicial officer or county clerk serves; or
- 19 (b) Outside of the judicial officer's or county clerk's normal working hours.

20 (6) The charging and accepting of a personal payment by a judicial officer of this state or a
 21 county clerk under subsection (5) of this section does not constitute a violation of any of the pro-
 22 visions of ORS chapter 244.

23 (7) The amount of actual costs charged by a judicial officer of this state or a county clerk under
 24 subsection (5) of this section may not exceed:

- 25 (a) Actual expenses for food and lodging as verified by receipts.
- 26 (b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial
 27 officer's or county clerk's home or office, whichever is greater, compensated at the rate of re-
 28 imbursement then provided by the State of Oregon to its employees or, if travel is made by a com-
 29 mercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.

30 (8) A judicial officer of this state or a county clerk shall maintain records of the amount of
 31 personal payments received for performing marriages, of actual costs and the supporting documen-
 32 tation related thereto for a period of four years.

33 (9) The parties to a marriage solemnized by a tax, appellate or circuit judge of this state shall
 34 show to the judge proof of payment of the fee required under subsection (4)(a) of this section before
 35 solemnization. Except as provided in subsection (4)(d) of this section, the judge may not solemnize
 36 a marriage without proof of payment of the fee.

37 **SECTION 9.** ORS 205.320 is amended to read:

38 205.320. (1) In every county there shall be charged and collected in advance by the county clerk,
 39 for the benefit of the county, the following fees, and no more, for the following purposes and ser-
 40 vices:

- 41 (a) For filing and making entry when required by law of any instrument required or permitted
 42 by law to be filed, when it is not recorded, \$5 for each page.
- 43 (b) For filing and making entry of the assignment or satisfaction of any filed, but not recorded,
 44 instrument, \$5 for each page.
- 45 (c) For each official certificate, \$3.75.

1 (d)(A) For recording any instrument required or permitted by law to be recorded, \$5 for each
 2 page, but the minimum fee shall not be less than \$5. As used in this subparagraph, “page” means
 3 one side of a sheet 14 inches, or less, long and 8-1/2 inches, or less, wide.

4 (B) For supplying to private parties copies of records or files, including by electronic delivery
 5 of images, not more than \$3.75 for locating a record requested by the party and 25 cents for each
 6 page. As used in this subparagraph, “page” means one side of a sheet 14 inches, or less, long and
 7 8-1/2 inches, or less, wide.

8 (C) For each official certificate, \$3.75.

9 (e) For taking an affidavit for and making and issuing a marriage license and registering the
 10 return of the license, or for taking an affidavit for and registering a Declaration of Domestic Part-
 11 nership, \$25.

12 (f) For solemnizing a marriage under ORS 106.120, [~~\$117~~] **the amount required under ORS**
 13 **106.120**. This paragraph does not require that the county clerk charge a fee for solemnizing a mar-
 14 riage after normal working hours or on Saturdays or legal holidays. This paragraph does not pro-
 15 hibit a county clerk from charging and accepting a personal payment for solemnizing a marriage if
 16 otherwise authorized by ORS 106.120.

17 (g) For taking and certifying acknowledgment or proof of execution of any instrument, the fee
 18 established in the schedule adopted by the Secretary of State under ORS 194.400.

19 (h) For issuing any license required by law, other than a marriage or liquor license, and for
 20 which no fee is otherwise provided by law, \$5.

21 (i) For any service the clerk may be required or authorized to perform and for which no fee is
 22 provided by law, such fees as may favorably compare with those established by this section for
 23 similar services and as may be established by order or rule of the county court or board of county
 24 commissioners.

25 (j) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant to
 26 ORS 203.148.

27 (k) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
 28 each additional municipal assessment lien recorded under ORS 93.643, \$5.

29 (L) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
 30 each additional assignment, release or satisfaction of any recorded instrument, \$5.

31 (m) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
 32 each additional transaction described under ORS 205.236, \$5.

33 (n) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
 34 each additional lien recorded under ORS 311.675, \$5.

35 (o) For preparing and recording the certificate under ORS 517.280, \$20 or such other fee that
 36 is established by the county governing body.

37 (p) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
 38 each additional claim listed on an affidavit of annual compliance under ORS 517.210, \$5.

39 (q) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
 40 each additional name listed on a cooperative contract under ORS 62.360 (2) or for recording the
 41 termination of a cooperative contract under ORS 62.360 (4), \$5.

42 (2) Notwithstanding any other law, five percent of any fee or tax that is not collected for the
 43 benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be
 44 expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the
 45 fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys col-

1 lected under this subsection shall be deposited in a county clerk records fund established by the
2 county governing body. No moneys shall be deducted under this subsection from:

3 (a) Fees collected for the Domestic Violence Fund under ORS 106.045.

4 (b) Fees collected for conciliation services under ORS 107.615.

5 (c) Real estate transfer taxes enacted prior to January 1, 1998.

6 (d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.

7 (e) Fees collected under ORS 205.323 (1)(c) for the housing-related programs listed in ORS
8 294.187 (2)(b).

9 **SECTION 10. Section 11 of this 2025 Act is added to and made a part of ORS chapter 55.**

10 **SECTION 11. The Department of State Police shall allow a justice court to verify the
11 address of a defendant using the Law Enforcement Data System.**

12 **SECTION 12. (1) The amendments to ORS 46.405, 46.425, 46.461, 55.011 and 55.095 by
13 sections 2 to 6 of this 2025 Act apply to actions commenced in a small claims department on
14 or after the effective date of this 2025 Act.**

15 **(2) The amendments to ORS 133.055 by section 7 of this 2025 Act apply to statements
16 handed out on or after the effective date of this 2025 Act.**

17 **SECTION 13. The amendments to ORS 106.120 and 205.320 by sections 8 and 9 of this 2025
18 Act apply to marriages solemnized on or after the effective date of this 2025 Act.**

19