A-Engrossed
House Bill 2306

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representatives MANNIX, EVANS, Senator THATCHER, Representatives ANDERSEN, DIEHL, Senator PATTERSON; Representative YUNKER (Presession 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. 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 a charge for getting married and indexes it to the CPI. (Flesch Readability Score: 74.2).

[*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 **personal payment that may be charged for** marriage solemnization [*fee*] and directs the State Court Administrator to adjust the [*fee*] **payment amount** 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

Relating to courts; creating new provisions; and amending ORS 51.020 and 106.120.

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

SECTION 1. ORS 51.020 is amended to read:

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

(2) At the time that the county court or board of county commissioners of a county sets off and establishes the boundaries of a justice of the peace district, the county court or board of county

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.

commissioners may require as a qualification for the office that a person serving as justice of the peace in the district be a member of the Oregon State Bar.

(3) The prohibition of subsection (1) of this section on a justice of the peace district that includes any portion of the city that is the county seat for the county, or any portion of a city in which a circuit court regularly holds court, does not prevent a justice of the peace from conducting an arraignment for a person in custody in the city that is the county seat for the county, or in a city in which a circuit court regularly holds court, if the accusatory instrument for the offense was filed in the justice court and the offense was committed within the boundaries of the justice of the peace district.

SECTION 2. ORS 106.120 is amended to read:

106.120. (1) As used in this section:

(a) "Judicial officer" means:

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

(B) An active judge of a federal court.

(C) An active United States magistrate judge.

(b) "Secular organization" means an organization that occupies a place in the lives of the organization's members parallel to that filled by a church or particular religious authority.

(2) Marriages may be solemnized by:

(a) A judicial officer;

(b) A county clerk;

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

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

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

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

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

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

(b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of $117, as provided in ORS 205.320.

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

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

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

(C) More than a minimal amount of staff time or other court or county clerk's office resources are used in connection with the solemnization.

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

(5)**(a)** In addition to any fee collected under subsection (4) of this section, a judicial officer of this state and a county clerk may charge and accept an agreed upon personal payment not to exceed [*$100*] **$200** plus actual costs for the solemnization of a marriage if that solemnization is performed:

[*(a)*] **(A)** At a place other than the courthouse where the judicial officer or county clerk serves; or

[*(b)*] **(B)** Outside of the judicial officer's or county clerk's normal working hours.

(b) The State Court Administrator shall index the payment amount set forth in paragraph (a) of this subsection each year on or before July 1 to reflect increases or decreases in the cost of living for the previous calendar year, based on changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency. The State Court Administrator shall publish the adjusted payment amount on the Judicial Department website. In adjusting the payment amount, the State Court Administrator shall round to the nearest $1, but shall use unrounded adjusted amounts to calculate the payment amount during the succeeding year. The new payment amount becomes effective on July 1 of the year in which the State Court Administrator makes the adjustment.

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

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

(a) Actual expenses for food and lodging as verified by receipts.

(b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial officer's or county clerk's home or office, whichever is greater, compensated at the rate of reimbursement then provided by the State of Oregon to its employees or, if travel is made by a commercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.

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

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

SECTION 3. The amendments to ORS 106.120 by section 2 of this 2025 Act apply to marriages solemnized on or after the effective date of this 2025 Act.
