

**A-Engrossed**  
**House Bill 2460**

Ordered by the House March 13  
Including House Amendments dated March 13

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Law Commission)

**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 makes changes to the process of appealing from local courts. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 81.1).

Updates, reorganizes and modifies the provisions governing appeals from justice courts that have not become courts of record.

Updates, reorganizes and modifies the provisions governing appeals from municipal courts that have not become courts of record. Establishes procedural statutes for municipal court appeals that are separate from justice court provisions.

Takes effect on the 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to local courts; creating new provisions; amending ORS 19.240, 21.135, 21.160, 51.028, 51.050,  
3 55.110, 138.005, 138.057, 138.081, 138.090, 153.105, 156.080, 156.705, 221.343 and 221.352; repealing  
4 ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010, 53.020, 53.030, 53.040,  
5 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110, 53.120, 53.125, 53.130, 55.120, 157.005, 157.010,  
6 157.020, 157.030, 157.040, 157.050, 157.060, 157.065, 157.070, 221.359, 221.360, 221.370, 221.380 and  
7 221.390; and prescribing an effective date.

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

9  
10 **JUSTICE COURTS GENERALLY**

11  
12 **SECTION 1.** ORS 51.050, as amended by section 57, chapter 70, Oregon Laws 2024, is amended  
13 to read:

14 51.050. (1) Except as otherwise provided in this section, in addition to the criminal jurisdiction  
15 of justice courts already conferred upon and exercised by them, justice courts have jurisdiction of  
16 all offenses committed or triable in their respective counties. The jurisdiction conveyed by this  
17 section is concurrent with any jurisdiction that may be exercised by a circuit court or municipal  
18 court.

19 *[(2) In any justice court that has not become a court of record under ORS 51.025, a defendant*  
20 *charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the*  
21 *right of the defendant to have the matter transferred to the circuit court for the county where the justice*  
22 *court is located. The election shall be made within 10 days after the plea of not guilty is entered, and*  
23 *the justice shall immediately transfer the case to the appropriate court.]*

24 **[(3)] (2)** A justice court does not have jurisdiction over the trial of any felony or a designated

**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 drug-related misdemeanor as defined in ORS 423.478. Except as provided in ORS 51.037, a justice  
2 court does not have jurisdiction over offenses created by the charter or ordinance of any city.

3 **SECTION 1a.** ORS 156.705 is amended to read:

4 156.705. [*Justices of the peace*] **Justice courts** shall have concurrent jurisdiction over all of-  
5 fenses **other than felonies** committed under ORS 167.315 to 167.333 and 167.340.

6 **SECTION 2. Civil jurisdiction.** (1) **A justice court has jurisdiction, but not exclusive ju-**  
7 **risdiction, of the following civil actions:**

8 (a) **For the recovery of money or damages only, when the amount claimed does not ex-**  
9 **ceed \$10,000.**

10 (b) **For the recovery of specific personal property, when the value of the property claimed**  
11 **and the damages for the detention do not exceed \$10,000.**

12 (c) **For the recovery of any penalty or forfeiture, whether given by statute or arising out**  
13 **of contract, not exceeding \$10,000.**

14 (d) **For the recovery of possession of real property, as provided in ORS 105.110.**

15 (e) **To give judgment without action, upon the confession of the defendant for any of the**  
16 **causes specified in this section, except for a penalty or forfeiture imposed by statute.**

17 (2) **For purposes of this section, the amount claimed, value of property, damages or any**  
18 **amount in controversy does not include any amount claimed as costs and disbursements or**  
19 **attorney fees as defined by ORCP 68 A.**

20 (3) **A justice court does not have jurisdiction of:**

21 (a) **An action in which the title to real property is in question.**

22 (b) **An action for false imprisonment, libel, slander or malicious prosecution.**

23 (c) **An action brought by an adult in custody as defined in ORS 30.642.**

24 (4) **The jurisdiction conferred by this section is concurrent with any jurisdiction that may**  
25 **be exercised by a circuit court or municipal court.**

26 **SECTION 3. Case record.** (1) **The case record of a justice court consists of the docket as**  
27 **described in subsection (2) of this section and the case file as described in subsection (3) of**  
28 **this section.**

29 (2) **The docket of a justice court is a record in which the clerk of the justice court shall**  
30 **enter, by its title, every action, suit or proceeding commenced in the court according to the**  
31 **date of its commencement, with the names of the parties thereto. Thereafter, the clerk shall**  
32 **note in the docket the following:**

33 (a) **The date of the filing of any pleading or other document.**

34 (b) **The date of making, filing and entry of any order, judgment, ruling or other direction**  
35 **of the court in or concerning such action, suit or proceeding.**

36 (c) **An order allowing a provisional remedy, and the date of issuing and returning the**  
37 **summons or other process.**

38 (d) **The date on which the parties, or either party, appears, or the date on which a party**  
39 **fails to appear as required.**

40 (e) **Every postponement of a trial or other proceeding, upon whose application the**  
41 **postponement was made, and the date and time to which the trial or other proceeding was**  
42 **postponed.**

43 (f) **The demand for a jury, if any, and by whom made, the order for a jury, and the time**  
44 **appointed for trial.**

45 (g) **The return of an order for a jury, the names of the persons impaneled and sworn as**

1 a jury, and the names of all witnesses sworn, and at whose request.

2 (h) The verdict of the jury and when given, and if the jury disagree and is discharged  
3 without giving a verdict, a statement of such disagreement and discharge.

4 (i) The judgment of the court and when signed.

5 (j) The date of filing the notice of appeal.

6 (k) Any undertaking and justification of a surety.

7 (L) Satisfaction of the judgment or any part thereof.

8 (m) A memorandum of all orders relating to security release.

9 (n) Any other information that may be material or that is required by statute, court  
10 order or rule.

11 (3)(a) The case file consists of every document filed with or by the justice court clerk in  
12 any action, suit or proceeding in the court, or before the judge.

13 (b) The case file also includes any audio recording or stenographic or other reporting of  
14 any justice court proceeding made pursuant to ORS 51.105, if all parties agree that the re-  
15 cording or other reporting is the official record of the proceeding and the recording or other  
16 reporting has been filed with the court.

17 (4) A justice court may maintain its docket or case files, or both, in electronic form.

18 **SECTION 4. Keeping of case records.** (1) The justice of the peace shall safely and securely  
19 keep all case records of the justice court described in section 3 of this 2025 Act. The case  
20 records are public records for the purposes of ORS 192.311 to 192.478.

21 (2) When any justice court is abolished, the justice of the peace shall turn over the case  
22 records of that court to the clerk of the circuit court for the county in which the justice  
23 court was located.

24 **SECTION 5. Transfer to circuit court.** (1) In any justice court that has not become a  
25 court of record under ORS 51.025, a defendant charged with a misdemeanor shall be notified  
26 immediately after entering a plea of not guilty of the right of the defendant to have the case  
27 transferred to the circuit court for the county in which the justice court is located. The  
28 election must be made within 10 days after the plea of not guilty is entered, and upon the  
29 election the justice court shall immediately transfer the case to the circuit court.

30 (2)(a) In any justice court that has not become a court of record under ORS 51.025, in a  
31 case in which the defendant is charged with a violation or misdemeanor, after a ruling ad-  
32 verse to the defendant on any pretrial motion, the defendant, with the consent of the justice  
33 court and the prosecutor, may have the case transferred to the circuit court for the county  
34 in which the justice court is located, with the same effect as a transfer described in sub-  
35 section (1) of this section. The request to transfer must be made within 10 days after entry  
36 of the order ruling on the motion and prior to any verdict or plea of guilty or no contest.  
37 Upon the request and with the consent of the justice court and the prosecutor, the justice  
38 court shall immediately transfer the case to the circuit court.

39 (b) In a case that is transferred under this subsection in which the defendant is charged  
40 with only a violation, the filing fee described in ORS 21.135 and the process described in  
41 section 10a (1)(b) and (c) of this 2025 Act apply.

42 (3) Upon transfer of the case to circuit court, the prosecutor and the defendant have the  
43 same right to appeal the circuit court's orders or judgments of the case as if the case had  
44 been originally commenced in circuit court.

45 **SECTION 6.** ORS 156.080 is amended to read:

1 156.080. (1) The defendant may plead the same pleas as upon an indictment. The plea shall be  
2 oral and entered in the docket. If the defendant refuses to plead, the justice shall enter the fact,  
3 together with the plea of not guilty, on behalf of the defendant.

4 (2) **Notwithstanding ORS 156.010 and 135.335, in a justice court that has not become a**  
5 **court of record, a defendant may not enter a conditional plea of guilty or no contest, but**  
6 **may seek to transfer the case to the circuit court as provided in section 5 (2) of this 2025**  
7 **Act.**

8 **SECTION 6a. Adverse party contact information. (1)(a) When entering a judgment in an**  
9 **action for a violation or a misdemeanor, a justice court shall, by including a notification in**  
10 **the judgment document or by another effective manner, notify the defendant that the de-**  
11 **fendant may request the name and contact information of the government official or entity**  
12 **upon which service of a notice of appeal is required under section 10 of this 2025 Act, with**  
13 **instruction on how to make such a request.**

14 (b) Upon the defendant making a request described in this subsection, the justice court  
15 shall provide the defendant with the name and contact information of the government official  
16 or entity upon which service of the notice of appeal is required.

17 (2)(a) When entering a judgment in a civil action, a justice court shall, by including a  
18 notification in the judgment document or by another effective manner, notify the parties  
19 that a party may request the name and contact information of the adverse party upon whom  
20 service of a notice of appeal is required under section 10 of this 2025 Act, with instruction  
21 on how to make such a request.

22 (b) Upon a party making a request described in this subsection, the justice court shall  
23 provide the party with the name and contact information of the adverse party upon whom  
24 service of the notice of appeal is required that is in the possession of the court at the time  
25 the request is made.

26  
27 **APPEALS FROM JUSTICE COURTS**

28 (Generally)

29  
30 **SECTION 6b. Definition. As used in sections 8 to 30 of this 2025 Act, “matter” means:**

31 (1) On appeal from a judgment of conviction and sentence, the entire case; or

32 (2) On appeal from a pretrial order or order entered after trial, or an amended or cor-  
33 rected judgment, the order or judgment from which the appeal is taken and any issue, fac-  
34 tual or legal, necessary to decide the appeal.

35 **SECTION 7. Court to which appeal is taken. (1) If a justice court has become a court of**  
36 **record under ORS 51.025:**

37 (a) An appeal in a proceeding involving a violation shall be taken to the Court of Appeals  
38 as provided in ORS 138.057.

39 (b) An appeal in a proceeding involving a misdemeanor shall be taken to the Court of  
40 Appeals as provided in ORS 138.010 to 138.310 for appeals from a circuit court.

41 (c) An appeal in a civil action shall be taken to the Court of Appeals as provided in ORS  
42 chapter 19 for appeals from a circuit court.

43 (2) If a justice court has not become a court of record under ORS 51.025, an appeal from  
44 a proceeding involving a violation or misdemeanor or a civil action shall be taken to the  
45 circuit court of the county in which the justice court is located and in the manner provided

1 in ORS 55.110 and sections 8 to 30 and 30c of this 2025 Act.

2 **SECTION 8. Time within which appeal must be taken.** (1) Except as provided in sub-  
3 section (2) of this section, a notice of appeal must be filed and served within 30 days of the  
4 date of entry in the justice court docket of the judgment or order being appealed.

5 (2) If, in a case involving a misdemeanor or a violation, a motion for a new trial or mo-  
6 tion in arrest of judgment is timely served and filed, a notice of appeal must be served and  
7 filed within 30 days from the earlier of the following dates:

8 (a) The date of entry of the order disposing of the motion; or

9 (b) The date on which the motion is deemed denied.

10 **SECTION 9. Contents of notice of appeal.** (1) The notice of appeal must contain:

11 (a) The title of the cause in the justice court. The party appealing is known as the  
12 appellant and the adverse party as the respondent, but the title of the action is otherwise  
13 unchanged.

14 (b) The name of each party and the party's attorney, if the party is represented by an  
15 attorney.

16 (c) A notice to each party that appeared in the action or proceeding, or to the party's  
17 attorney if the party is represented, that an appeal is taken and designating the adverse  
18 parties to the appeal.

19 (d) Identification of the justice court's order or judgment from which the appeal is taken.

20 (e) If an appellant is not represented by an attorney, a postal address for the appellant  
21 and either an electronic mail address for the appellant, or a statement that the appellant  
22 does not have an electronic mail address or does not wish to receive correspondence via  
23 electronic mail.

24 (f) If the appellant is represented by an attorney, the postal address and electronic mail  
25 address for the attorney.

26 (g) The postal address and electronic mail address, if known to the appellant, for all other  
27 parties designated as parties to the appeal.

28 (h) The signature of the appellant or, if the appellant is represented by an attorney, the  
29 appellant's attorney.

30 (i) If the appellant is appealing from a judgment of conviction based on a plea of guilty  
31 or no contest, a claim that the trial court failed to comply with requirements of law in im-  
32 posing or failing to impose a sentence.

33 (2) The State Court Administrator shall create a model notice of appeal form that, when  
34 completed by the appellant, contains the information described in subsection (1) of this sec-  
35 tion.

36 **SECTION 10. Filing and serving notice of appeal.** (1) The appellant shall:

37 (a) File written notice of appeal with the justice court from which the appeal is taken  
38 with proof of service of a copy on the adverse party, or an acknowledgment of service signed  
39 by the adverse party; and

40 (b) Serve a copy of the notice of appeal on the adverse party or, if the adverse party is  
41 represented by an attorney, the party's attorney.

42 (2) In a case charging a misdemeanor or a violation, if the defendant is the appellant:

43 (a) The defendant shall serve the county attorney if the case has been brought in the  
44 county's name and the defendant did not serve the county attorney under subsection (1) of  
45 this section.

1 (b) The defendant shall serve the district attorney if the case has been brought in the  
2 state's name and the defendant did not serve the district attorney under subsection (1) of  
3 this section.

4 **SECTION 10a. Filing fee.** (1)(a) On appeal from a justice court to the circuit court in a  
5 civil action, or in an action involving only the commission of a violation, the parties are  
6 subject to the circuit court fees described in ORS 21.135 or 21.160 when filing a notice of  
7 appeal or other first appearance in the appellate proceeding.

8 (b) The appellant shall either tender payment of the circuit court filing fee to the justice  
9 court, or file an application to waive or defer the filing fee with the justice court. The  
10 appellant may use the application described in ORS 21.685.

11 (c) The justice court shall transmit the filing fee or application to waive or defer the fil-  
12 ing fee to the circuit court of the county in which the justice court is located at the time  
13 that the justice court submits the case record as required by section 12 of this 2025 Act. The  
14 circuit court shall rule upon the application, and may waive or defer payment of the filing  
15 fee required by ORS 21.135 or 21.160 for the reason and in the manner provided in ORS 21.680  
16 to 21.698.

17 (2) When the state or any political subdivision of the state, or an officer, employee or  
18 agent thereof, appearing in a representative or other official capacity, is a party on appeal  
19 from a justice court, payment of the filing fee required by ORS 21.135 or 21.160 is subject to  
20 ORS 20.140.

21 **SECTION 11. Jurisdiction of the matter and to decide the appeal.** (1) The circuit court  
22 has jurisdiction to exercise judicial authority in the matter upon the filing of the notice of  
23 appeal.

24 (2) Timely filing of the notice of appeal and timely service on the adverse party is juris-  
25 dictional, and except as otherwise provided in this section, neither the justice court nor the  
26 circuit court may waive or extend the time limits for filing or serving the notice of appeal  
27 described in section 8 of this 2025 Act.

28 (3) Upon the timely filing of the notice of appeal, service on the adverse party and  
29 transfer of the case record to the circuit court, the appeal is deemed perfected.

30 (4) Notwithstanding subsections (2) and (3) of this section:

31 (a) It is not a jurisdictional defect if the appellant files the original notice of appeal with  
32 the circuit court, so long as the appellant timely served a copy of the notice of appeal on the  
33 justice court.

34 (b) Timely service on an adverse party is not jurisdictional if proper service did not occur  
35 due to the appellant's reliance upon an address provided by the justice court under section  
36 6a of this 2025 Act, and the circuit court may extend the time for proper service.

37 (c) In a case charging a violation or a misdemeanor, timely service on the county attor-  
38 ney or the district attorney is not jurisdictional and the circuit court may extend the time  
39 for that service.

40 **SECTION 12. Submission of the record.** (1) The justice court shall submit the case record  
41 described in section 3 of this 2025 Act to the circuit court immediately and no later than 30  
42 days after the date the notice of appeal was filed, or no later than 10 days if the defendant  
43 is in custody.

44 (2) The circuit court by order may extend the time for the justice court to submit the  
45 case record.

1 (3) If the justice court and the circuit court agree, the justice court may submit its case  
2 record, or make the case record available, to the circuit court in electronic form. If the  
3 circuit court does not agree to accept the justice court record in electronic form, the justice  
4 court shall submit a paper copy of the case record to the circuit court.

5 **SECTION 13. Proceedings in the circuit court and standard of review generally.** (1)(a) The  
6 circuit court may dismiss an appeal that is not properly taken or perfected, including the  
7 failure to include a claim in the notice of appeal if required by section 9 (1)(i) of this 2025  
8 Act, except that the circuit court may not dismiss an appeal because the justice court has  
9 failed to submit the justice court case record to the circuit court.

10 (b) The circuit court shall not assess the merits of a claim made pursuant to section 9  
11 (1)(i) of this 2025 Act. If, in violation of this paragraph, the circuit court dismisses an appeal  
12 based on an assessment of such a claim, and notwithstanding ORS 138.035, the appellant may  
13 appeal the dismissal.

14 (2) After the appeal is perfected, the matter shall be deemed pending for trial or hearing  
15 as if the case had been originally commenced in the circuit court. The circuit court shall  
16 proceed to hear and decide the matter anew, disregarding any irregularity or imperfection  
17 in matters of form that may have occurred in the justice court.

18 (3) The circuit court may, in furtherance of justice and upon such terms as may be just,  
19 allow a party to amend the party's pleadings in the action, provided that the amendment does  
20 not substantially change the issue tried in the justice court or introduce any new cause of  
21 action or defense.

22 **SECTION 14. Rendering judgment; remand; notice to justice court.** (1) The circuit court  
23 shall render a judgment, as defined in ORS 18.005, conclusively disposing of the appeal.

24 (2) Except as otherwise provided in sections 8 to 30 of this 2025 Act:

25 (a) If the circuit court determines that any of the terms of the justice court judgment  
26 should be reversed or modified, the circuit court shall render a judgment as if the case had  
27 been originally commenced in the circuit court, containing all the terms of the judgment and  
28 to be enforced as a judgment of the circuit court; or

29 (b) If the circuit court determines that none of the terms of the justice court decision  
30 should be reversed or modified, the circuit court shall render a judgment affirming the de-  
31 cision and remanding the case to the justice court for enforcement of the judgment.

32 (3) Notwithstanding subsection (2) of this section, in its discretion and for good cause,  
33 the circuit court may render such judgment as may be proper, which may include remanding  
34 the case to the justice court for further proceedings in accordance with the decision of the  
35 circuit court.

36 (4) The trial court administrator of the circuit court shall provide a copy of the circuit  
37 court's judgment to the justice court:

38 (a) Within 40 days after the date of entry of the circuit court judgment, if no party ap-  
39 peals from the judgment; or

40 (b) Within 10 days after receipt of the appellate judgment issued by the State Court Ad-  
41 ministrator resolving the appeal, if a party appeals the circuit court judgment to the Court  
42 of Appeals.

43 **SECTION 15. Availability of writ of review.** The right of a party in a justice court to ap-  
44 peal under sections 8 to 30 of this 2025 Act may not be construed to prevent any party from  
45 seeking review in the circuit court under ORS 34.010 to 34.100 for errors in law appearing

1 on the face of the judgment entered by the justice court or the proceedings connected  
2 therewith or, in a proceeding charging a violation or misdemeanor, an interlocutory order  
3 involving the constitutionality of a statute.

4  
5 (Violation and Misdemeanor Cases)

6  
7 **SECTION 16. Appeal and cross-appeal by the defendant.** (1) In a proceeding involving a  
8 violation or misdemeanor, a defendant may appeal from:

9 (a) A judgment convicting the defendant of one or more charges and imposing sentence,  
10 regardless of the type of sentence imposed.

11 (b) A judgment ordering payment of restitution but not specifying the amount of  
12 restitution, or a supplemental judgment awarding restitution.

13 (c) A judgment or order imposing or executing a sentence upon revocation of probation  
14 or sentence suspension.

15 (d) A judgment or order that is an amended or corrected version of a judgment or order  
16 described in paragraphs (a) to (c) of this subsection.

17 (2) In a proceeding involving a violation, the defendant may appeal an order denying a  
18 motion for relief from default under ORS 153.105.

19 (3) A defendant may cross-appeal when the prosecution appeals an order prior to trial  
20 suppressing evidence as provided in section 17 (1)(c) of this 2025 Act. The failure to file a  
21 cross-appeal under this subsection does not waive a defendant's right to appeal a particular  
22 ruling of the justice court on appeal from the judgment of conviction and sentence.

23 **SECTION 17. Appeal by the state or county.** (1) In a proceeding involving a violation or  
24 misdemeanor, the prosecution may appeal from:

25 (a) An order made prior to trial dismissing or setting aside one or more counts in the  
26 accusatory instrument.

27 (b) An order allowing a demurrer.

28 (c) An order made prior to trial suppressing evidence.

29 (d) An order made prior to trial for the return or restoration of things seized.

30 (e) An order arresting the judgment.

31 (f) An order made after a guilty finding dismissing or setting aside one or more counts  
32 in the accusatory instrument.

33 (g) An order granting a new trial.

34 (2) In a proceeding involving a violation, the prosecution may appeal an order granting  
35 a defendant's motion for relief from default under ORS 153.105.

36 (3) Notwithstanding subsection (1) of this section, the state or the county may not appeal  
37 the dismissal of a violation by reason of a police officer's failure to appear at the trial on the  
38 matter if the police officer was timely provided with notice of the trial date.

39 **SECTION 18. Proceedings in the circuit court in general in cases charging offenses.** (1)  
40 On appeal of a matter in a case charging a violation or misdemeanor, the circuit court shall  
41 try the matter pursuant to the statutes that prescribe the procedure for trial of violations  
42 or misdemeanors, respectively, in the circuit court, except that the prosecution may be  
43 handled by an attorney provided by the county or other political subdivision of the state that  
44 enacted the ordinance or adopted the provision of a charter the defendant was charged with  
45 or convicted of violating.



1           (2) On appeal by the defendant of a judgment of conviction and sentence for a violation  
2 or misdemeanor defined by state law or by a law enacted by a county, city or other subdivi-  
3 sion of the state, if the defendant is convicted, the circuit court may impose any sentence  
4 within the limits prescribed by state law, by ordinance of the county or other political sub-  
5 division of the state or by city charter for the violation or misdemeanor. If the circuit court  
6 determines that the defendant is guilty of a violation, the circuit court shall comply with  
7 ORS 153.018, 153.019, 153.020 and 153.021 in imposing the sentence.

8           **SECTION 18a. Scope of review in general of order or judgment other than judgment of**  
9 **conviction and sentence.** On appeal by the defendant or the prosecution of an order or judg-  
10 ment other than the judgment of conviction and sentence, except as otherwise specified by  
11 law, the circuit court may review only the order or judgment from which the appeal is taken  
12 and any issue necessary to decide the appeal, but may receive and consider evidence as  
13 necessary to decide the matter anew.

14           **SECTION 18b. Scope of review in specific cases.** (1) On appeal by a defendant of any  
15 conviction based on a plea of guilty or no contest, the circuit court shall treat the plea as  
16 though it was entered in and accepted by the circuit court. If the defendant has included a  
17 claim of legal error in the notice of appeal as required by section 9 (1)(i) of this 2025 Act, the  
18 circuit court shall sentence the defendant anew without determining whether the justice  
19 court erred.

20           (2) At any sentencing proceeding in the circuit court, both parties shall be bound by any  
21 sentencing agreement that the parties entered into in the justice court.

22           (3) On appeal by a defendant under section 16 (1)(b) of this 2025 Act, the circuit court  
23 shall sentence the defendant anew.

24           (4) On appeal by a defendant under section 16 (1)(d) of this 2025 Act:

25           (a) The circuit court shall proceed in the same manner as in an appeal from the original  
26 judgment or order.

27           (b) Notwithstanding paragraph (a) of this subsection, if the appeal of the amended or  
28 corrected judgment or order is filed after expiration of the time period during which the or-  
29 iginal judgment or order could have been appealed, the circuit court may review only the  
30 amended or corrected part of the judgment or order and any part of the judgment or order  
31 affected by the amendment or correction.

32           (5)(a) On appeal by a defendant under section 16 (2) of this 2025 Act or by the prosecution  
33 under section 17 (2) of this 2025 Act, the circuit court shall determine whether to grant relief  
34 in accordance with ORS 153.105 in the same manner as if the motion for relief had been or-  
35 iginally filed in circuit court.

36           (b) The circuit court may hear evidence or admit exhibits necessary to make the deter-  
37 mination on the matter.

38           **SECTION 19. Circuit court proceedings on appeal in violation and misdemeanor cases.** (1)  
39 On appeal by the defendant of a judgment under section 16 (1)(a) or (d) of this 2025 Act in-  
40 volving a misdemeanor, after the circuit court has decided the appeal, and notwithstanding  
41 whether the circuit court affirms, reverses or modifies any term of the justice court judg-  
42 ment, the circuit court shall render a judgment as provided in section 14 (2)(a) of this 2025  
43 Act.

44           (2) On appeal by the defendant of a judgment under section 16 (1)(a) or (d) of this 2025  
45 Act involving a violation, if the circuit court determines that no term of the justice court

1 judgment should be reversed or modified, the circuit court shall render a judgment as pro-  
2 vided in section 14 (2)(b) or (3) of this 2025 Act.

3 (3) On appeal by the defendant of a judgment or order under section 16 (1)(b) or (c) of  
4 this 2025 Act, after the circuit court has decided the appeal, the circuit court shall render a  
5 judgment disposing of as much of the case as was tried before the circuit court.

6 (4)(a) On appeal by the defendant under section 16 (2) of this 2025 Act, if the circuit court  
7 determines that relief should be granted, the circuit court shall vacate the judgment and:

8 (A) Remand the case to the justice court for further proceedings; or

9 (B) Retain the case in the circuit court for further proceedings, if the justice court has  
10 adopted a rule described in paragraph (b) of this subsection.

11 (b) A justice court, with agreement of the presiding judge of the circuit court of the  
12 county in which the justice court is located, may adopt a rule allowing a case described in  
13 paragraph (a) of this subsection to remain in circuit court for further proceedings after the  
14 justice court judgment is vacated.

15 (5) On appeal by the prosecution under section 17 (1)(a) to (d) of this 2025 Act, after the  
16 circuit court has decided the matter appealed, and notwithstanding section 18a of this 2025  
17 Act, at the request of either party, the circuit court shall take jurisdiction of the case, try  
18 the case and render a judgment described in section 14 (2)(a) of this 2025 Act. If neither party  
19 requests the circuit court to try the remainder of the case, the circuit court shall render a  
20 judgment disposing of as much of the case as was tried before the circuit court and re-  
21 manding the case to the justice court for further proceedings.

22 (6) On appeal by the prosecution under section 17 (1)(e) to (g) of this 2025 Act, the circuit  
23 court shall render a judgment reflecting its decision and remanding the case to the justice  
24 court.

25 (7) On appeal by the prosecution under section 17 (2) of this 2025 Act, if the circuit court  
26 determines that relief should not be granted, the circuit court shall render a judgment va-  
27 cating the justice court's order granting relief and remanding the case to the justice court  
28 for further proceedings.

29 NOTE: Section 20 was deleted. Subsequent sections were not renumbered.

30 SECTION 21. Stay of enforcement of judgment. (1) A defendant filing notice of appeal  
31 from a judgment of conviction and sentence of a misdemeanor described in this subsection  
32 does not stay enforcement of the judgment unless the defendant:

33 (a) If sentenced to confinement, executes a release agreement or makes a security re-  
34 lease deposit as provided in ORS 135.230 to 135.290; or

35 (b) On conviction of a traffic crime as defined in ORS 801.545, gives the security required  
36 by ORS 810.300 to 810.330 as an undertaking on appeal.

37 (2) A defendant filing notice of appeal from a judgment involving a violation does not  
38 automatically stay enforcement of the judgment.

39 (3) Nothing in this section is intended to affect the authority of the justice court or cir-  
40 cuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any  
41 other authority.

42 NOTE: Section 22 was deleted. Subsequent sections were not renumbered.

43 SECTION 23. Appeal from circuit court. (1) Upon entry by the circuit court of an order  
44 or judgment:

45 (a) In a matter involving a violation, the order or judgment may be appealed as provided

1 in ORS 138.057.

2 (b) In a matter involving a misdemeanor, the order or judgment may be appealed as  
3 provided in ORS 138.010 to 138.310.

4 (2) In any case in which only a violation or violations are charged, the state may not  
5 appeal from an order dismissing the case that is entered by reason of a police officer's failure  
6 to appear at the trial on the matter if the police officer was timely provided with notice of  
7 the trial date.

8  
9 (Civil Actions)

10  
11 **SECTION 24. Who may appeal.** (1) Any party to a judgment in a civil action in a justice  
12 court, other than a judgment by confession or for want of an answer, may appeal from the  
13 judgment when:

14 (a) The sum in controversy is \$30 or more, or the action is for the recovery of personal  
15 property of the value of \$30 or more, exclusive of disbursements in either case; or

16 (b) When the action is for the recovery of the possession of real property under ORS  
17 105.110.

18 (2)(a) A defendant may appeal from the justice court's order denying the defendant's  
19 motion to set aside a default order or judgment.

20 (b) A plaintiff may appeal from the justice court's order granting a defendant's motion  
21 to set aside a default order or judgment.

22 **SECTION 25. Undertaking for costs and disbursements and stay of proceedings.** (1)(a)  
23 As used in sections 8 to 30 of this 2025 Act, "undertaking" means a written promise signed  
24 by an appellant to take an action, in connection with an appeal from the justice court to the  
25 circuit court, that is supported by a bond, one or more sureties or a deposit of money with  
26 the justice court.

27 (b) A surety for an undertaking on appeal must have the qualifications established by  
28 ORCP 82.

29 (2) The appellant shall file an undertaking stating that the appellant will pay all costs and  
30 disbursements that may be awarded against the appellant on appeal. The appellant shall file  
31 the undertaking with the justice court within five days after filing the notice of appeal. The  
32 justice court or the circuit court for good cause may extend the time to file the undertaking.

33 (3) In order to stay the enforcement of a money judgment on appeal, the appellant shall  
34 include in the undertaking a promise to pay the justice court judgment to the extent that  
35 the circuit court affirms the judgment.

36 (4)(a) The respondent may object to the sufficiency of an undertaking for costs and dis-  
37 bursements, or to stay enforcement of the judgment, including the amount of the under-  
38 taking, the security for the undertaking or the qualifications of a surety.

39 (b) The objection to the sufficiency of an undertaking must be filed as provided in ORCP  
40 82. Notwithstanding ORCP 82 F, the respondent must file the objection within 14 days after  
41 the date on which a copy of the undertaking is served on the respondent. The justice court  
42 for good cause may extend the time to file the objection. The justice court shall decide the  
43 sufficiency of the undertaking in the manner provided by ORCP 82.

44 (5)(a) If a tenant on appeal of a judgment for possession of real property files an under-  
45 taking to stay enforcement of the judgment during the appeal, absent a bond or sufficient

1 surety, the tenant shall support the undertaking by promising to deposit with the justice  
 2 court by a date certain each month the fair market rental value of the real property. The  
 3 justice court may determine the fair market rental value of the real property based on the  
 4 written or oral rental agreement between the parties or other evidence of the monthly rent  
 5 amount due or in effect at the time the court's determination is made.

6 (b) The tenant must deposit the fair market value of the property with the justice court  
 7 each month by the date specified in the undertaking or as ordered by the justice court. If  
 8 the tenant fails to timely deposit the monthly amount, the landlord shall be entitled to en-  
 9 force the justice court judgment notwithstanding the pendency of the appeal to the circuit  
 10 court. Upon motion by the landlord, the justice court may order issuance of a notice of  
 11 restitution in accordance with ORS 105.153 or a writ of execution of judgment of restitution  
 12 in accordance with ORS 105.156. For purposes of ORS 105.159 (3), any period during which the  
 13 justice court judgment is stayed shall not be considered as part of the 60-day time period.

14 (c) On receipt of the circuit court's judgment disposing of the appeal, the justice court  
 15 shall disburse the money deposited by the tenant in accordance with the circuit court's  
 16 judgment.

17 (6) When judgment is given in the circuit court against the appellant, either with or  
 18 without the trial of the action, it must also be given against the sureties in the undertaking  
 19 of the appellant, according to its nature and effect.

20 **SECTION 26. Stay of proceedings without undertaking.** If the judgment from which the  
 21 appeal is taken is in favor of the appellant, the proceedings on the judgment are stayed by  
 22 the filing of the notice of appeal and the undertaking for the costs of the appeal.

23 **SECTION 27. Recall of execution when stay granted.** If enforcement of a judgment is  
 24 stayed under section 25 (3) or section 26 of this 2025 Act and execution has been issued to  
 25 enforce the judgment, on motion of the party against whom judgment was rendered, the  
 26 justice court shall recall the execution by written notice to the officer holding the execution.  
 27 Upon recall, the execution must be returned, and all property taken pursuant to the exe-  
 28 cution that has not been sold must be released.

29 **SECTION 28. Enforcement of judgment in contract action notwithstanding appeal.** When  
 30 a judgment has been given for money in an action upon a contract to pay money,  
 31 notwithstanding an appeal and undertaking for the stay of proceedings, the respondent may  
 32 enforce the judgment if, within five days from the date the notice of appeal is filed, the re-  
 33 spondent files with the justice court an undertaking, with one or more sureties, to the effect  
 34 that if the judgment is changed or modified on appeal, the respondent will make such  
 35 restitution as the circuit court may direct. The undertaking must be filed with the justice  
 36 court after at least two days' notice to the other party.

37 **SECTION 28a. Appeals from actions for the recovery of real property.** (1) On appeal from  
 38 a judgment conclusively determining an action for the recovery of real property,  
 39 notwithstanding section 12 of this 2025 Act, the justice court shall forward the notice of ap-  
 40 peal and the case record to the circuit court within 10 days of the date the appellant files the  
 41 notice of appeal with the justice court.

42 (2) Notwithstanding ORS 105.137, the circuit court shall proceed to set the matter for  
 43 trial, without scheduling a first appearance, as follows:

44 (a) For a claim based on nonpayment as defined in ORS 90.395, no earlier than 15 days  
 45 and no later than 30 days following the date of receipt of the justice court record; or

1 (b) For any other claim, as soon as practicable and no later than 15 days following the  
2 date of receipt of the justice court record.

3 **SECTION 29. Judgment on dismissal or after trial; judgment against sureties.** If the cir-  
4 cuit court dismisses an appeal, the court shall render judgment as provided in section 14 of  
5 this 2025 Act, which shall include judgment against the appellant for the costs and dis-  
6 bursements of the appeal. When judgment is given in the circuit court against the appellant,  
7 either with or without trial of the action, the judgment must also be given against the  
8 sureties in the undertaking of the appellant, according to its nature and effect.

9 **SECTION 30. Appeal from circuit court.** Upon entry by the circuit court of an order or  
10 judgment in the matter, the judgment may be appealed as provided in ORS chapter 19 except  
11 as otherwise provided by law.

12  
13 (Small Claims)

14  
15 **SECTION 30a.** ORS 55.110 is amended to read:

16 55.110. (1) The judgment of the court shall be conclusive upon the plaintiff in respect to the  
17 claim filed by the plaintiff and upon the defendant in respect to a counterclaim asserted by the de-  
18 fendant. **Except as provided in subsection (2) of this section,** the defendant may appeal if dis-  
19 satisfied in respect to the claim filed by the plaintiff.] **and** the plaintiff may appeal if dissatisfied in  
20 respect to a counterclaim asserted by the defendant. [*A party entitled to appeal may, within 10 days*  
21 *after the entry of the judgment against the party, appeal to the circuit court for the county in which the*  
22 *justice court is located. If final judgment is rendered against the party appealing in the appellate court,*  
23 *that party shall pay, in addition to the judgment, an attorney's fee to the other party in the sum of \$10.*  
24 *Appeals from the small claims department shall only be allowed in cases in which appeals would be*  
25 *allowed if the action were instituted and the judgment rendered in the justice courts, as is provided*  
26 *by law.*]

27 (2)(a) **A party to a judgment taken by confession or for want of an answer may not appeal**  
28 **from the judgment, but the party may appeal from an order denying the party's motion for**  
29 **relief from default.**

30 (b) **A party may not appeal from a judgment when the sum in controversy is less than**  
31 **\$30 or when the action is for the recovery of personal property with a value of less than \$30,**  
32 **exclusive of disbursements in the action.**

33 (3)(a) **An appeal from the small claims department of a justice court that has not become**  
34 **a court of record shall be taken to the circuit court of the county in which the justice court**  
35 **is located.**

36 (b) **Notwithstanding section 7 (1)(c) of this 2025 Act, an appeal may not be taken from the**  
37 **small claims department of a justice court that has become a court of record.**

38 **SECTION 30b.** Section 30c of this 2025 Act is added to and made a part of ORS 55.020 to  
39 **55.140.**

40 **SECTION 30c.** (1) **Except as otherwise provided in this section, an appeal under ORS**  
41 **55.110 shall be taken in the manner provided in sections 8 to 30 of this 2025 Act, including**  
42 **satisfactory security for payment of the judgment and costs.**

43 (2)(a) **The State Court Administrator shall create a model notice of appeal form, for ap-**  
44 **peals under ORS 55.110 that, when completed by the appellant, contains the information de-**  
45 **scribed in section 9 (1) of this 2025 Act.**



1 solve an issue regarding the decision.

2 (5) "Sentence" means all legal consequences established or imposed by the trial court after  
3 conviction of an offense, including but not limited to:

4 (a) Forfeiture, imprisonment, cancellation of license, removal from office, monetary obligation,  
5 probation, conditions of probation, discharge, restitution and community service; and

6 (b) Suspension of imposition or execution of any part of a sentence, extension of a period of  
7 probation, imposition of a new or modified condition of probation or of sentence suspension, and  
8 imposition or execution of a sentence upon revocation of probation or sentence suspension.

9 **(6) "State" includes, in addition to the State of Oregon and when referencing a party:**

10 **(a) The county, in an appeal from a justice court that has become a court of record under**  
11 **ORS 51.025 in which the county is the plaintiff; and**

12 **(b) The city, in an appeal from a municipal court that has become a court of record under**  
13 **ORS 221.342 in which the city is the plaintiff.**

14 **SECTION 32a.** ORS 138.090 is amended to read:

15 138.090. [*When the state takes an appeal,*] The notice of appeal shall be signed by:

16 (1) The district attorney for the county or by the Attorney General, **when an appeal is taken**  
17 **on behalf of the State of Oregon in a prosecution of an offense created by state statute.**

18 (2) **The defendant or an attorney for the defendant**, when the defendant takes an appeal,  
19 *the notice of appeal shall be signed by the defendant or an attorney of the court for the defendant*].

20 (3) **County counsel for the county, when the county appeals in a prosecution for violating**  
21 **a county ordinance.**

22 (4) **City counsel for the city, when the city appeals in a prosecution for violating an of-**  
23 **fense created by the city's charter or by ordinance.**

24 **SECTION 33.** ORS 138.057 is amended to read:

25 138.057. (1)[(a)] If a justice court or municipal court has become a court of record under ORS  
26 51.025 or 221.342, an appeal from a judgment involving a violation shall be as provided in ORS  
27 chapter 19 for appeals from judgments entered by circuit courts, except that the standard of review  
28 is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony.

29 **(2)(a)** If a justice court or municipal court has not become a court of record under ORS 51.025  
30 or 221.342, the appeal from a judgment involving a violation entered by the justice court or munic-  
31 ipal court may be taken to the circuit court for the county in which the justice court or municipal  
32 court is located[.] **as follows:**

33 **(A) For a justice court, as provided in sections 8 to 30 of this 2025 Act; and**

34 **(B) For a municipal court, as provided in sections 39 to 51 of this 2025 Act.** [*An appeal to*  
35 *a circuit court must be taken in the manner provided in this subsection.*]

36 [(b) *Within 30 days after the entry of the judgment by the justice court or municipal court, a party*  
37 *who wishes to appeal the decision must serve a copy of the notice of appeal on the adverse party and*  
38 *must file the original notice of appeal with the justice court or municipal court along with proof of*  
39 *service on the adverse party or an acknowledgment of service signed by the adverse party.*]

40 [(c) *If the appeal is made by the defendant from the decision of a municipal court, the copy of the*  
41 *notice of appeal must be served on the city attorney. If the appeal is made by the defendant from a*  
42 *decision in a justice court, the copy of the notice of appeal must be served on the district attorney for*  
43 *the county.*]

44 [(d)] **(b)** No undertaking shall be required of the party filing a notice of appeal under the pro-  
45 visions of this subsection.

1        *[(e) Upon filing of the notice of appeal, the justice court or municipal court shall forward all files*  
2 *relating to the case to the circuit court to which the appeal is taken.]*

3        *[(f) The circuit court shall treat a matter appealed under this subsection as though the case had*  
4 *been originally filed with the circuit court and shall try the case anew, disregarding any irregularity*  
5 *or imperfection in the proceedings in the justice court or municipal court.]*

6        *[(g) Upon entry of a judgment in the matter, the judgment may be appealed as provided in sub-*  
7 *section (2) of this section.]*

8        [(2)] **(3)(a)** Subject to the provisions of this subsection, an appeal from a judgment involving a  
9 violation entered by a circuit court may be taken as provided in ORS chapter 19.

10        [(a)] **(b)** For the purpose of meeting the requirements imposed by ORS 19.240, the copy of the  
11 notice of appeal must be served on:

12        (A) The city attorney, if the appeal is made by the defendant from a decision initially made in  
13 a municipal court.

14        (B) The district attorney for the county, if the appeal is made by the defendant from a decision  
15 initially made in a justice court.

16        [(b)] **(c)** Notwithstanding ORS 19.270, timely service on the city attorney or district attorney  
17 under the provisions of this subsection is not jurisdictional and the Court of Appeals may extend the  
18 time for that service.

19        [(c)] **(d)** Notwithstanding any provision of ORS chapter 19, an undertaking on appeal is not re-  
20 quired for an appeal from a judgment involving a violation.

21        [(d)] **(e)(A)** The filing of a notice of an appeal from a judgment involving a violation does not  
22 act to automatically stay the judgment.

23        **(B) Nothing in this paragraph is intended to affect the authority of the circuit court to**  
24 **stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any other author-**  
25 **ity.**

26        [(e)] **(f)** The standard of review for an appeal under this subsection is the same as for an appeal  
27 from a judgment in a proceeding involving a misdemeanor or felony.

28        [(3)] **(g)** In any case in which only violations are charged, the state may not appeal from an  
29 order dismissing the case that is entered by reason of a police officer's failure to appear at the trial  
30 of the matter **if the police officer was timely provided with notice of the trial date.**

31        **SECTION 34.** ORS 138.081 is amended to read:

32        138.081. (1) An appeal shall be taken by causing a notice of appeal in the form prescribed by  
33 ORS 19.250 to be served:

34        (a)(A) When the defendant appeals[,]:

35        (i) On the district attorney for the county in which the judgment is entered, *[or, if the appeal*  
36 *is under ORS 221.360, on the plaintiff's attorney; or]* **if the appeal is from a conviction for a**  
37 **misdemeanor or felony under state law;**

38        (ii) **On county counsel for the county in which the judgment is entered, if the appeal is**  
39 **from a conviction for a violation of a county ordinance constituting a misdemeanor; or**

40        (iii) **On the city attorney or other prosecutor, if the appeal is from a conviction for a**  
41 **misdemeanor defined by a city charter or ordinance; or**

42        (B) When the state appeals, on the attorney of record for the defendant or, if the defendant has  
43 no attorney of record, on the defendant;

44        (b) On the trial court transcript coordinator, **if applicable and** if a transcript is required in  
45 connection with the appeal; and



1 (c) On the trial court administrator.

2 (2)(a) If the state cannot effect service on the defendant as provided in subsection (1)(a)(B) of  
3 this section, the trial court may order alternative service in accordance with ORCP 7 D(6) on proof  
4 of the state's due diligence in attempting to effect service.

5 (b) Alternative service is not perfected until the time established by the court for response ex-  
6 pires and the state files with the appellate court the affidavit or declaration of alternative service.

7 (3) The notice of appeal signed by the appellant, along with proof of service of the notice, must  
8 be filed with the administrator of the court to which the appeal is taken. Proof of service of the  
9 notice of appeal may either be part of, or accompany, the original notice when filed.

10  
11 (Repeals)

12  
13 **SECTION 35. ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010, 53.020,**  
14 **53.030, 53.040, 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110, 53.120, 53.125, 53.130, 55.120,**  
15 **157.005, 157.010, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065 and 157.070 are repealed.**

16  
17 (Conforming Amendments)

18  
19 **SECTION 35a.** ORS 21.135 is amended to read:

20 21.135. (1) Unless a specific fee is provided by subsection (3) or (4) of this section or other law  
21 for a proceeding, a circuit court shall collect a filing fee of \$281 when a complaint or other docu-  
22 ment is filed for the purpose of commencing an action or other civil proceeding and when an answer  
23 or other first appearance is filed in the proceeding.

24 (2) Except as provided in subsection (5) of this section, the filing fee established by subsection  
25 (1) of this section applies to:

26 (a) Proceedings in which only equitable remedies are sought.

27 (b) Appeals from a conviction of a violation in justice or municipal courts [*as provided in ORS*  
28 *21.285*].

29 (c) Interpleader actions.

30 (d) Actions relating to a trust.

31 (e) Proceedings for judicial review of an agency order.

32 (f) Declaratory judgment actions.

33 (g) Any other action or proceeding that is statutorily made subject to the fee established by this  
34 section and any other civil proceeding for which a specific filing fee is not provided.

35 (3)(a) The circuit court shall collect a filing fee of \$263 in adoption cases under ORS chapter  
36 109, excluding readoptions under ORS 109.385, when a petition is filed for the purpose of commenc-  
37 ing an adoption proceeding or when any other document or other first appearance is filed in the  
38 proceeding. The fee shall include the cost of issuing one or more certificates of adoption under ORS  
39 109.410.

40 (b) When separate petitions for adoption of multiple minor children are concurrently filed under  
41 ORS 109.276 by the same petitioner, one filing fee shall be charged for the first petition filed and  
42 the filing fees for concurrently filed petitions shall not be charged.

43 (4) The circuit court shall collect a filing fee of \$56 for actions seeking remedial sanctions for  
44 contempt of court under ORS 33.055 and when a first appearance is filed in the proceeding.

45 (5) The filing fee established under subsection (1) of this section does not apply to:

1 (a) Expunction proceedings under ORS 419A.261 or 419A.262;

2 (b) Petitions under ORS 163A.130 or 163A.135 for an order relieving the person from the duty  
3 to report as a sex offender if the person is required to report under ORS 163A.025; or

4 (c) Any juvenile delinquency proceeding arising under ORS chapter 419B or 419C.

5 **SECTION 35b.** ORS 21.160 is amended to read:

6 21.160. (1) A circuit court shall collect the following filing fees when a complaint or other doc-  
7 ument is filed for the purpose of commencing an action or other civil proceeding based on a tort  
8 or contract and when an answer or other first appearance is filed in the proceeding:

9 (a) If the amount claimed is \$10,000 or less, the court shall collect a filing fee of \$170.

10 (b) If the amount claimed is more than \$10,000 and less than \$50,000, the court shall collect a  
11 filing fee of \$283.

12 (c) If the amount claimed is \$50,000 or more, and less than \$1 million, the court shall collect a  
13 filing fee of \$594.

14 (d) If the amount claimed is \$1 million or more and less than \$10 million, the court shall collect  
15 a fee of \$884.

16 (e) If the amount claimed is \$10 million or more, the court shall collect a filing fee of \$1,178.

17 (2) The filing fees provided by this section apply to proceedings for the foreclosure of a mort-  
18 gage, lien or other security interest. For the purposes of such proceedings, the amount claimed is  
19 the amount of the debt secured by the mortgage, lien or other security interest that is owing as of  
20 the date that the proceeding is filed.

21 (3) The filing fees provided by this section apply to proceedings for specific performance of a  
22 contract. For the purposes of such proceedings, the amount claimed is the amount owing under the  
23 contract on the date that the proceeding is filed.

24 (4) A court shall collect the filing fees provided by this section when an appeal from a **civil**  
25 **proceeding in** a justice court is filed under ORS [53.005 to 53.125] **55.110 or sections 8 to 30 or**  
26 **30c of this 2025 Act**, or a case is transferred from a justice court under ORS 52.320.

27 (5) For purposes of this section, the amount claimed in a proceeding does not include any  
28 amount claimed as attorney fees or as costs and disbursements.

29 (6) For purposes of this section, the amount claimed in a proceeding includes any penalty or  
30 forfeiture provided by statute or arising out of contract.

31 **SECTION 35c.** ORS 51.028 is amended to read:

32 51.028. (1) Any justice court that has become a court of record under ORS 51.025 may cease to  
33 operate as a court of record only if the governing body of the county in which the court is located  
34 files a declaration with the Supreme Court identifying the date on which the justice court will cease  
35 operation as a court of record. The date identified in the declaration may not be less than 31 days  
36 after the date the declaration is filed.

37 (2) The Supreme Court may not charge a fee for filing a declaration under subsection (1) of this  
38 section. Not later than 30 days after a declaration is filed under subsection (1) of this section, the  
39 Supreme Court shall enter an order acknowledging the filing of the declaration and give notice of  
40 the order of acknowledgment to the county and the public.

41 (3) The appeal from a judgment entered in a justice court after the date identified in a decla-  
42 ration filed under this section shall be as provided in ORS [53.005 to 53.125 and ORS chapter 157]  
43 **55.110 and sections 8 to 30 and 30c of this 2025 Act.**

44  
45 **MUNICIPAL COURTS**

(Appeals from Municipal Courts)

1  
2  
3 **SECTION 36.** Sections 37 to 51 of this 2025 Act are added to and made a part of ORS  
4 chapter 221.

5 **SECTION 37. Transfer to circuit court.** (1) In any municipal court that has not become  
6 a court of record under ORS 221.342, a defendant charged with a misdemeanor shall be no-  
7 tified immediately after entering a plea of not guilty of the right of the defendant to have  
8 the case transferred to the circuit court for the county in which the municipal court is lo-  
9 cated. The election must be made within 10 days after the plea of not guilty is entered, and  
10 upon the election the municipal court shall immediately transfer the case to the circuit  
11 court.

12 (2)(a) In any municipal court that has not become a court of record under ORS 221.342,  
13 a defendant may not enter a conditional plea of guilty or no contest. However, after a ruling  
14 adverse to the defendant on any pretrial motion, the defendant, with the consent of the  
15 municipal court and the prosecutor, may have the case transferred to the circuit court for  
16 the county in which the municipal court is located, with the same effect as a transfer de-  
17 scribed in subsection (1) of this section. The request to transfer must be made within 10 days  
18 after entry of the order ruling on the motion and prior to any verdict or plea of guilty or  
19 no contest. Upon the request and with the consent of the municipal court and the  
20 prosecutor, the municipal court shall immediately transfer the case to the circuit court.

21 (b) In a case that is transferred under this subsection in which the defendant is charged  
22 with only a violation, the filing fee described in ORS 21.135 and the process described in  
23 section 40a (1)(b) and (c) of this 2025 Act apply.

24 (3) Upon transfer of the case to circuit court, the prosecutor and the defendant have the  
25 same right to appeal the circuit court's orders or judgments of the case as if the case had  
26 been originally commenced in circuit court.

27 **SECTION 37a. Adverse party contact information.** (1) When entering a judgment in an  
28 action for a violation or a misdemeanor, a municipal court shall, by including a notification  
29 in the judgment document or by another effective manner, notify the defendant that the  
30 defendant may request the name and contact information of the government official or entity  
31 upon which service of a notice of appeal is required under section 40 of this 2025 Act, with  
32 instruction on how to make such a request.

33 (2) Upon the defendant making a request described in this subsection, the municipal  
34 court shall provide the defendant with the name and contact information of the government  
35 official or entity upon which service of the notice of appeal is required.

36 **SECTION 37b. Definition.** As used in sections 39 to 51 of this 2025 Act, "matter" means:

37 (1) On appeal from a judgment of conviction and sentence, the entire case; or

38 (2) On appeal from a pretrial order or order entered after trial, or an amended or cor-  
39 rected judgment, the order or judgment from which the appeal is taken and any issue, fac-  
40 tual or legal, necessary to decide the appeal.

41 **SECTION 38. Court to which appeal is taken.** (1) If a municipal court has become a court  
42 of record under ORS 221.342:

43 (a) An appeal in a proceeding involving a violation shall be taken to the Court of Appeals  
44 as provided in ORS 138.057.

45 (b) An appeal in a proceeding involving a misdemeanor shall be taken to the Court of

1 Appeals as provided in ORS 138.010 to 138.310 for appeals from a circuit court.

2 (2) If a municipal court has not become a court of record under ORS 221.342, an appeal  
3 shall be taken to the circuit court of the county in which the municipal court is located and  
4 in the manner provided in sections 39 to 51 of this 2025 Act.

5 **SECTION 39. Time within which appeal must be taken.** (1) Except as provided in sub-  
6 section (2) of this section, a notice of appeal must be filed and served within 30 days of the  
7 date of entry in the municipal court docket of the judgment or order being appealed.

8 (2) If a motion for a new trial or motion in arrest of judgment is timely served and filed,  
9 a notice of appeal must be served and filed within 30 days from the earlier of the following  
10 dates:

11 (a) The date of entry of the order disposing of the motion; or

12 (b) The date on which the motion is deemed denied.

13 (3) The appeal is perfected upon submission of the case record described in ORS 221.352.

14 **SECTION 39a. Contents of notice of appeal.** (1) The notice of appeal must contain:

15 (a) The title of the cause in the municipal court. The party appealing is known as the  
16 appellant and the adverse party as the respondent, but the title of the action is otherwise  
17 unchanged.

18 (b) The name of each party and the party's attorney, if the party is represented by an  
19 attorney.

20 (c) A notice to each party that appeared in the action or proceeding, or to the party's  
21 attorney if the party is represented, that an appeal is taken and designating the adverse  
22 parties to the appeal.

23 (d) Identification of the municipal court's order or judgment from which the appeal is  
24 taken.

25 (e) If an appellant is not represented by an attorney, a postal address for the appellant  
26 and either an electronic mail address for the appellant, or a statement that the appellant  
27 does not have an electronic mail address or does not wish to receive correspondence via  
28 electronic mail.

29 (f) If the appellant is represented by an attorney, the postal address and electronic mail  
30 address for the attorney.

31 (g) The postal address and electronic mail address, if known to the appellant, for all other  
32 parties designated as parties to the appeal.

33 (h) The signature of the appellant or, if the appellant is represented by an attorney, the  
34 appellant's attorney.

35 (i) If the appellant is appealing from a judgment of conviction based on a plea of guilty  
36 or no contest, a claim that the trial court failed to comply with requirements of law in im-  
37 posing or failing to impose a sentence.

38 (2) The State Court Administrator shall create a model notice of appeal form that, when  
39 completed by the appellant, contains the information described in subsection (1) of this sec-  
40 tion.

41 **SECTION 40. Filing and serving notice of appeal.** (1) The appellant shall:

42 (a) File written notice of appeal with the municipal court from which the appeal is taken  
43 with proof of service of a copy on the adverse party, or an acknowledgment of service signed  
44 by the adverse party; and

45 (b) Serve a copy of the notice of appeal on the adverse party or, if the adverse party is

1 represented by an attorney, the party's attorney.

2 (2) If the defendant is the appellant:

3 (a) The defendant shall serve the city attorney if the case has been brought in the city's  
4 name and the defendant did not serve the city attorney under subsection (1) of this section.

5 (b) The defendant shall serve the district attorney if the case has been brought in the  
6 state's name and the defendant did not serve the district attorney under subsection (1) of  
7 this section.

8 **SECTION 40a. Filing fee.** (1)(a) On appeal from a municipal court to the circuit court in  
9 an action involving only the commission of a violation, the parties are subject to the circuit  
10 court fees described in ORS 21.135 when filing a notice of appeal or other first appearance  
11 in the appellate proceeding.

12 (b) The appellant shall either tender payment of the circuit court filing fee to the mu-  
13 nicipal court, or file an application to waive or defer the filing fee with the municipal court.  
14 The appellant may use the application described in ORS 21.685.

15 (c) The municipal court shall transmit the filing fee or application to waive or defer the  
16 filing fee to the circuit court of the county in which the municipal court is located at the  
17 time that the municipal court submits the case record as required in section 41a of this 2025  
18 Act. The circuit court shall rule upon the application, and may waive or defer payment of  
19 the filing fee required by ORS 21.135 for the reason and in the manner provided in ORS 21.680  
20 to 21.698.

21 (2) When the state or any political subdivision of the state, or an officer, employee or  
22 agent thereof, appearing in a representative or other official capacity, is a party on appeal  
23 from a municipal court, payment of the filing fee required by ORS 21.135 is subject to ORS  
24 20.140.

25 **SECTION 41. Jurisdiction of the matter and to decide the appeal.** (1) The circuit court  
26 has jurisdiction to exercise judicial authority in the matter upon the filing of the notice of  
27 appeal.

28 (2) Timely filing of the notice of appeal and timely service on the adverse party is juris-  
29 dictional, and except as otherwise provided in this section, neither the municipal court nor  
30 the circuit court may waive or extend the time limits for filing or serving the notice of ap-  
31 peal described in section 40 of this 2025 Act.

32 (3) Upon the timely filing of the notice of appeal, service of the adverse party and  
33 transfer of the case record to the circuit court, the appeal is deemed perfected.

34 (4) Notwithstanding subsections (2) and (3) of this section:

35 (a) It is not a jurisdictional defect if the appellant files the original notice of appeal with  
36 the circuit court, so long as the appellant timely served a copy of the notice of appeal on the  
37 municipal court.

38 (b) Timely service on an adverse party is not jurisdictional if proper service did not occur  
39 due to the appellant's reliance upon an address provided by the municipal court under section  
40 37a of this 2025 Act, and the circuit court may extend the time for proper service.

41 (c) Timely service on the city attorney or the district attorney is not jurisdictional and  
42 the circuit court may extend the time for that service.

43 **SECTION 41a. Submission of the record.** (1) The municipal court shall submit the case  
44 record described in ORS 221.352 to the circuit court immediately and no later than 30 days  
45 after the date the notice of appeal was filed, or 10 days if the defendant is in custody.

1           (2) The circuit court by order may extend the time for the municipal court to submit the  
2 case record.

3           (3) If the municipal court and the circuit court agree, the municipal court may submit  
4 its case record, or make the case record available, to the circuit court in electronic form.  
5 If the circuit court does not agree to accept the municipal court record in electronic form,  
6 the municipal court shall submit a paper copy of the case record to the circuit court.

7           **SECTION 42. Proceedings in the circuit court and standard of review generally.** (1)(a) The  
8 circuit court may dismiss an appeal that is not properly taken or perfected, including the  
9 failure to include a claim in the notice of appeal if required by section 39a (1)(i) of this 2025  
10 Act, except that the circuit court may not dismiss an appeal because the municipal court  
11 has failed to submit the municipal court case record to the circuit court.

12           (b) The circuit court shall not assess the merits of a claim made pursuant to section 39a  
13 (1)(i) of this 2025 Act. If, in violation of this paragraph, the circuit court dismisses an appeal  
14 based on an assessment of such a claim, and notwithstanding ORS 138.035, the appellant may  
15 appeal the dismissal.

16           (2) After the appeal is perfected, the matter shall be deemed pending for trial or hearing  
17 as if the case had been originally commenced in the circuit court. The circuit court shall  
18 proceed to hear and decide the matter anew, disregarding any irregularity or imperfection  
19 in matters of form that may have occurred in the municipal court.

20           (3) The circuit court may, in furtherance of justice and upon such terms as may be just,  
21 allow a party to amend the party's pleadings in the action, provided that the amendment does  
22 not substantially change the issue tried in the municipal court or introduce any new cause  
23 of action or defense.

24           **SECTION 42a. Rendering judgment; remand; notice to municipal court.** (1) The circuit  
25 court shall render a judgment as defined in ORS 18.005 conclusively disposing of the appeal.

26           (2) Except as otherwise provided in sections 39 to 51 of this 2025 Act:

27           (a) If the circuit court determines that any of the terms of the municipal court judgment  
28 should be reversed or modified, the circuit court shall render a judgment as if the case had  
29 been originally commenced in the circuit court, containing all the terms of the judgment and  
30 to be enforced as a judgment of the circuit court; or

31           (b) If the circuit court determines that none of the terms of the municipal court decision  
32 should be reversed or modified, the circuit court shall render a judgment affirming the de-  
33 cision and remanding the case to the municipal court for enforcement of the judgment.

34           (3) Notwithstanding subsection (2) of this section, in its discretion and for good cause,  
35 the circuit court may render such judgment as may be proper, which may include remanding  
36 the case to the municipal court for further proceedings in accordance with the decision of  
37 the circuit court.

38           (4) The trial court administrator of the circuit court shall provide a copy of the circuit  
39 court's judgment to the municipal court:

40           (a) Within 40 days after the date of entry of the circuit court judgment, if no party ap-  
41 peals from the judgment; or

42           (b) Within 10 days after receipt of the appellate judgment issued by the appellate court  
43 resolving the appeal, if a party appeals the circuit court judgment.

44           (5) If enforcement of the municipal court's judgment was stayed pending disposition of  
45 an appeal to circuit court, the stay is automatically vacated when the trial court adminis-

1 trator provides a copy of the circuit court judgment to the municipal court under subsection  
2 (4) of this section.

3 **SECTION 43. Availability of writ of review.** The right of a party in a municipal court to  
4 appeal under sections 39 to 51 of this 2025 Act may not be construed to prevent any party  
5 from seeking review in the circuit court under ORS 34.010 to 34.100 for errors in law ap-  
6 pearing on the face of the judgment entered by the municipal court or the proceedings con-  
7 nected therewith or, in a proceeding charging a violation or misdemeanor, an interlocutory  
8 order involving the constitutionality of a statute.

9 **SECTION 43a. Appeal and cross-appeal by the defendant.** (1) Except as provided in sub-  
10 section (6) of this section, in a proceeding involving a violation or misdemeanor, a defendant  
11 may appeal from:

12 (a) A judgment convicting the defendant of one or more charges and imposing sentence,  
13 regardless of the type of sentence imposed.

14 (b) A judgment ordering payment of restitution but not specifying the amount of  
15 restitution, or a supplemental judgment awarding restitution.

16 (c) A judgment or order imposing or executing a sentence upon revocation of probation  
17 or sentence suspension.

18 (d) A judgment or order that is an amended or corrected version of a judgment or order  
19 described in paragraphs (a) to (c) of this subsection.

20 (2) A defendant may appeal as provided in section 50 (3) of this 2025 Act.

21 (3) In a proceeding involving a violation, the defendant may appeal an order denying a  
22 motion for relief from default under ORS 153.105.

23 (4) A defendant may cross-appeal when the prosecution appeals an order prior to trial  
24 suppressing evidence as provided in section 44 (2)(c) of this 2025 Act. The failure to file a  
25 cross-appeal under this subsection does not waive a defendant's right to assign error to a  
26 particular ruling of the municipal court on appeal from the judgment of conviction and sen-  
27 tence.

28 (5) Whenever a person is convicted in the municipal court of any city of an offense de-  
29 fined and made punishable by a city charter or ordinance, that person has the same right  
30 of appeal to the circuit court as for a conviction of an offense defined by state law.

31 (6) In all cases involving the constitutionality of the charter provision or ordinance under  
32 which the conviction was obtained as indicated in subsection (5) of this section, such person  
33 shall have the right of appeal to the circuit court in the manner provided in subsection (5)  
34 of this section, regardless of any charter provision or ordinance prohibiting appeals from the  
35 municipal court because of the amount of the penalty or otherwise. An appeal may likewise  
36 be taken in such cases from the judgment or final order of the circuit court to the Court  
37 of Appeals in the same manner as other appeals are taken from the circuit court to the  
38 Court of Appeals in other criminal cases. Where the right of appeal in such cases depends  
39 on there being involved an issue as to the constitutionality of the charter provision or ordi-  
40 nance, the decision of the appellate court shall be upon such constitutional issue only.

41 **SECTION 44. Appeal by the state or city.** (1)(a) The state or a city may appeal as provided  
42 in subsection (2) of this section in a proceeding involving a violation or misdemeanor defined  
43 by state law, in which event the appeal is in the name of the state.

44 (b) The city may appeal as provided in subsection (2) of this section in a proceeding in-  
45 volving a violation or misdemeanor defined by city charter or ordinance, in which event the

1 appeal is in the name of the city.

2 (2) In a proceeding involving a violation or misdemeanor, the prosecution may appeal  
3 from:

4 (a) An order made prior to trial dismissing or setting aside one or more counts in the  
5 accusatory instrument.

6 (b) An order allowing a demurrer.

7 (c) An order made prior to trial suppressing evidence.

8 (d) An order made prior to trial for the return or restoration of things seized.

9 (e) An order arresting the judgment.

10 (f) An order made after a guilty finding dismissing or setting aside one or more counts  
11 in the accusatory instrument.

12 (g) An order granting a new trial.

13 (3) In a proceeding involving a violation, the prosecution may appeal an order granting  
14 a defendant's motion for relief from default under ORS 153.105.

15 (4) Notwithstanding subsection (2) of this section, the prosecution may not appeal the  
16 dismissal of a violation by reason of a police officer's failure to appear at the trial on the  
17 matter if the police officer was timely provided with notice of the trial date.

18 SECTION 44a. Proceedings in the circuit court in general. Except as provided in section  
19 50 of this 2025 Act:

20 (1) On appeal of a matter in a case charging a violation or misdemeanor, the circuit court  
21 shall try the matter pursuant to the statutes that prescribe the procedure for trial of vio-  
22 lations or misdemeanors, respectively, in the circuit court, except that the prosecution may  
23 be handled by an attorney provided by the city that enacted the ordinance or adopted the  
24 provision of a charter the defendant was convicted of violating.

25 (2) On appeal by the defendant of a judgment of conviction and sentence for a violation  
26 or misdemeanor defined by state law or by a law enacted by a city, if the defendant is con-  
27 victed, the circuit court may impose any sentence within the limits prescribed by state law  
28 or by charter or ordinance of the city. If the circuit court determines that the defendant is  
29 guilty of a violation, the circuit court shall comply with ORS 153.018, 153.019, 153.020 and  
30 153.021 in imposing the sentence.

31 SECTION 45. Scope of review in general of order or judgment other than judgment of  
32 conviction and sentence. On appeal by the defendant or the prosecution of an order or judg-  
33 ment other than the judgment of conviction and sentence, except as otherwise specified by  
34 law, the circuit court may review only the order or judgment from which the appeal is taken  
35 and any issue necessary to decide the appeal, but may receive and consider evidence as  
36 necessary to decide the matter anew.

37 SECTION 46. Scope of review in specific cases. (1) On appeal by a defendant of any con-  
38 viction based on a plea of guilty or no contest, the circuit court shall treat the plea as though  
39 it was entered in and accepted by the circuit court. If the defendant has included a claim of  
40 legal error in the notice of appeal as required by section 39a (1)(i) of this 2025 Act, the circuit  
41 court shall sentence the defendant anew without determining whether the municipal court  
42 erred.

43 (2) At any sentencing proceeding in the circuit court, both parties shall be bound by any  
44 sentencing agreement that the parties entered into in the municipal court.

45 (3) On appeal by a defendant under section 43a (1)(b) of this 2025 Act, the circuit court



1 shall sentence the defendant anew.

2 (4) On appeal by a defendant under section 43a (1)(d) of this 2025 Act:

3 (a) The circuit court shall proceed in the same manner as in an appeal from the original  
4 judgment or order.

5 (b) Notwithstanding paragraph (a) of this subsection, if the appeal of the amended or  
6 corrected judgment or order is filed after expiration of the time period during which the or-  
7 iginal judgment or order could have been appealed, the circuit court may review only the  
8 amended or corrected part of the judgment or order and any part of the judgment or order  
9 affected by the amendment or correction.

10 (5)(a) On appeal by a defendant under section 43a (3) of this 2025 Act, or by the prose-  
11 cution under section 44 (3) of this 2025 Act, the circuit court shall determine whether to  
12 grant relief in accordance with ORS 153.105 in the same manner as if the motion for relief  
13 had been originally filed in circuit court.

14 (b) The circuit court may hear evidence or admit exhibits necessary to make the deter-  
15 mination on the matter.

16 SECTION 47. Circuit court proceedings in specific appeals. (1) On appeal by the defend-  
17 ant of a judgment under section 43a (1)(a) or (d) of this 2025 Act involving a misdemeanor,  
18 after the circuit court has decided the appeal, and notwithstanding whether the circuit court  
19 affirms, reverses or modifies any term of the municipal court judgment, the circuit court  
20 shall render a judgment as provided in section 42a (2)(a) of this 2025 Act.

21 (2) On appeal by the defendant of a judgment under section 43a (1)(a) or (d) of this 2025  
22 Act involving a violation, if the circuit court determines that no term of the municipal court  
23 judgment should be reversed or modified, the circuit court shall render a judgment as pro-  
24 vided in section 42a (2)(b) or (3) of this 2025 Act.

25 (3) On appeal by the defendant of a judgment or order under section 43a (1)(b) or (c) of  
26 this 2025 Act, after the circuit court has decided the appeal, the circuit court shall render a  
27 judgment disposing of as much of the case as was tried before the circuit court.

28 (4)(a) On appeal by the defendant under section 43a (3) of this 2025 Act, if the circuit  
29 court determines that relief should be granted, the circuit court shall vacate the judgment  
30 and:

31 (A) Remand the case to the municipal court for further proceedings; or

32 (B) Retain the case in the circuit court for further proceedings, if the municipal court  
33 has adopted a rule described in paragraph (b) of this subsection.

34 (b) A municipal court, with agreement of the presiding judge of the circuit court of the  
35 county in which the municipal court is located, may adopt a rule allowing a case described  
36 in paragraph (a) of this subsection to remain in circuit court for further proceedings after  
37 the municipal court judgment is vacated.

38 (5) On appeal by the prosecution under section 44 (2)(a) to (d) of this 2025 Act, after the  
39 circuit court has decided the matter appealed, and notwithstanding section 45 of this 2025  
40 Act, at the request of either party, the circuit court shall take jurisdiction of the case, try  
41 the case and render a judgment described in section 42a (2)(a) of this 2025 Act. If neither  
42 party requests the circuit court to try the remainder of the case, the circuit court shall  
43 render a judgment disposing of as much of the case as was tried before the circuit court and  
44 remanding the case to the municipal court for further proceedings.

45 (6) On appeal by the prosecution under section 44 (2)(e) to (g) of this 2025 Act, the circuit

1 court shall render a judgment reflecting its decision and remanding the case to the municipal  
2 court.

3 (7) On appeal by the prosecution under section 44 (3) of this 2025 Act, if the circuit court  
4 determines that relief should not be granted, the circuit court shall render a judgment va-  
5 cating the municipal court's order granting relief and remanding the case to the municipal  
6 court for further proceedings.

7 NOTE: Section 48 was deleted. Subsequent sections were not renumbered.

8 SECTION 49. Stay of enforcement of judgment. (1) A defendant filing notice of appeal  
9 from a judgment of conviction and sentence of a misdemeanor described in this subsection  
10 does not stay enforcement of the judgment unless the defendant:

11 (a) If sentenced to confinement, executes a release agreement or makes a security re-  
12 lease deposit as provided in ORS 135.230 to 135.290; or

13 (b) On conviction of a traffic crime as defined in ORS 801.545, gives the security required  
14 by ORS 810.300 to 810.330 as an undertaking on appeal.

15 (2) A defendant filing notice of appeal from a judgment involving a violation does not  
16 automatically stay enforcement of the judgment.

17 (3) Nothing in this section is intended to affect the authority of the municipal court or  
18 circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any  
19 other authority.

20 SECTION 50. Validity of charter or ordinance provision determined before merits. (1)  
21 Whenever a defendant is charged with violating a provision of a city charter or ordinance  
22 and the defendant challenges the validity of the charter or ordinance provision, a municipal  
23 judge shall determine such issue and enter an order thereon before deciding the case on its  
24 merits.

25 (2) If the municipal judge declares the charter or ordinance provision invalid, the city  
26 may appeal from the municipal court to the circuit court. If the circuit court affirms the  
27 municipal court's determination, the city may appeal to the Court of Appeals as provided in  
28 ORS 138.057 in a proceeding involving a violation, or as provided in ORS 138.010 to 138.310 in  
29 a proceeding involving a misdemeanor. If a city so appeals, while the appellate decision is  
30 pending, the defendant shall be released, with or without bond, for reappearance at the dis-  
31 cretion of the trial court until such time as the case is remanded.

32 (3) If the municipal court declares the charter or ordinance provision valid, the municipal  
33 court may proceed to try the matter. If the municipal court convicts the defendant of vio-  
34 lating the charter or ordinance provision, the defendant may appeal the judgment of con-  
35 viction as provided in section 51 of this 2025 Act.

36 SECTION 51. Appeal from circuit court to Court of Appeals; limitations. (1)(a) The state  
37 or a city may appeal an order or judgment of the circuit court to the Court of Appeals:

38 (A) In a proceeding involving a violation, as provided in ORS 138.057.

39 (B) In a proceeding involving a misdemeanor, as provided in ORS 138.010 to 138.310.

40 (b) In any case in which only a violation or violations are charged, the state may not  
41 appeal from an order dismissing the case that is entered by reason of a police officer's failure  
42 to appear at the trial on the matter if the police officer was timely provided with notice of  
43 the trial date.

44 (2)(a) If the order or judgment of the circuit court being appealed arises from a violation  
45 or misdemeanor defined by state law or a traffic crime as defined in ORS 801.545, the de-

1 **defendant may appeal the order or judgment to the Court of Appeals:**

2 **(A) In a proceeding involving a violation, as provided in ORS 138.057.**

3 **(B) In a proceeding involving a misdemeanor, as provided in ORS 138.010 to 138.310.**

4 **(b) The defendant may appeal an order or judgment arising from a violation or**  
5 **misdemeanor defined by city charter or ordinance as provided in section 43a (5) and (6) of**  
6 **this 2025 Act.**

7 **(3)(a) The filing of a notice of an appeal from a judgment involving a violation does not**  
8 **act to automatically stay the judgment.**

9 **(b) Nothing in this section is intended to affect the authority of the municipal court or**  
10 **circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any**  
11 **other authority.**

12  
13 **(Amendments to Existing Statutes)**  
14

15 **SECTION 52.** ORS 221.352 is amended to read:

16 221.352. (1) **The case record of a municipal court consists of the docket as provided in**  
17 **subsection (2) of this section and the case file as provided in subsection (3) of this section.**

18 **(2) A municipal court of this state that registers under ORS 221.344 [must] shall maintain a**  
19 **docket. [A municipal judge must enter the following information in the docket for the municipal**  
20 **court] The docket is a record wherein the clerk or court administrator of the municipal court**  
21 **shall enter every action, suit or proceeding commenced in the court. The clerk or court ad-**  
22 **ministrator shall note in the docket the following:**

23 (a) The title of every action or proceeding commenced in the court, with the names of the par-  
24 ties thereto and the time of commencement thereof.

25 (b) The date of [*making or*] **the filing of any pleading or other document.**

26 **(c) The date of making, filing and entry of any order, judgment, ruling or other direction**  
27 **of the court in or concerning such action, suit or proceeding.**

28 [*(c)*] **(d) An order allowing a provisional remedy, and the date of issuing and returning the**  
29 **summons or other process.**

30 [*(d)*] **(e) The time when each party appears, or a party's failure to do so.**

31 [*(e)*] **(f) Every postponement of a trial or proceeding, upon whose application and to what time.**

32 [*(f)*] **(g) The demand for a jury, if any, and by whom made.**

33 [*(g)*] **(h) The order for a jury and the time appointed for trial.**

34 [*(h)*] **(i) The return of an order for a jury, the names of the persons impaneled and sworn as a**  
35 **jury and the names of all witnesses sworn and at whose request.**

36 [*(i)*] **(j) The verdict of the jury and when given or, if the jury disagrees and is discharged without**  
37 **giving a verdict, a statement of such disagreement and discharge.**

38 [*(j)*] **(k) The judgment of the court and when [*given*] signed.**

39 [*(k)*] *The date on which any judgment is docketed in the docket.*

40 **(L) [*The fact of an appeal having been made and allowed, and the date thereof, with a memoran-***  
41 ***dum of the*] The date of filing of the notice of appeal, any undertaking[, and [*the*] any justifica-**  
42 **tion of the sureties.**

43 **(m) Satisfaction of the judgment or any part thereof.**

44 **(n) A memorandum of all orders relating to security release.**

45 **(o) All other [*matters*] information that may be material or specially required by any statute,**

1 **court order or rule.**

2 [(2) *The docket of a municipal court under this section may be maintained in electronic form.*]

3 **(3)(a) The case file consists of every document filed with or by the clerk of the court or**  
4 **court administrator, in any action, suit or proceeding in the court or before the judge.**

5 **(b) The case file also includes any audio recording or stenographic or other reporting of**  
6 **any municipal court proceeding made pursuant to ORS 221.358, if all parties agree that the**  
7 **recording or other reporting is the official record of the proceeding and the recording or**  
8 **other reporting has been filed with the court.**

9 **(4) A municipal court may maintain its docket or case files, or both, in electronic form.**

10  
11 **(Repeals)**

12  
13 **SECTION 53. ORS 221.359, 221.360, 221.370, 221.380 and 221.390 are repealed.**

14  
15 **(Conforming Amendments)**

16  
17 **SECTION 54. ORS 221.343 is amended to read:**

18 221.343. (1) Any municipal court that has become a court of record under ORS 221.342 may cease  
19 to operate as a court of record only if the governing body of the city in which the court is located  
20 files a declaration with the Supreme Court identifying the date on which the municipal court will  
21 cease operation as a court of record. The date identified in the declaration may not be less than 31  
22 days after the date the declaration is filed.

23 (2) The Supreme Court may not charge a fee for filing a declaration under subsection (1) of this  
24 section. Not later than 30 days after a declaration is filed under subsection (1) of this section, the  
25 Supreme Court shall enter an order acknowledging the filing of the declaration and give notice of  
26 the order of acknowledgment to the city and the public.

27 (3) The appeal from a judgment entered in a municipal court after the date identified in the  
28 declaration filed under this section shall be as provided in [*ORS 221.359 (1) and (2)*] **sections 39 to**  
29 **51 of this 2025 Act.**

30  
31 **CAPTIONS**

32  
33 **SECTION 55. The unit and section captions used in this 2025 Act are provided only for**  
34 **the convenience of the reader and do not become part of the statutory law of this state or**  
35 **express any legislative intent in the enactment of this 2025 Act.**

36  
37 **OPERATIVE DATE**

38  
39 **SECTION 56. (1)(a) Sections 2, 3, 4, 5, 6a to 30 and 30c of this 2025 Act, the amendments**  
40 **to ORS 19.240, 21.135, 21.160, 51.028, 51.050, 55.110, 138.005, 138.057, 138.081, 138.090, 153.105,**  
41 **156.080 and 156.705 by sections 1, 1a, 3a, 6, 30a, 30d to 34 and 35a to 35c of this 2025 Act and**  
42 **the repeal of ORS 21.285, 51.070, 51.080, 51.090, 51.110, 51.120, 51.130, 53.005, 53.010, 53.020,**  
43 **53.030, 53.040, 53.050, 53.060, 53.070, 53.080, 53.090, 53.100, 53.110, 53.120, 53.125, 53.130, 55.120,**  
44 **157.005, 157.010, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065 and 157.070 by section 35 of**  
45 **this 2025 Act become operative on January 1, 2026.**

