B-Engrossed
House Bill 2460

Ordered by the Senate May 16
Including House Amendments dated March 13 and Senate Amendments
dated May 16

Introduced and printed pursuant to House Rule 12.00. Presession 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

Relating to local courts; creating new provisions; amending ORS 19.240, 21.135, 21.160, 51.028, 51.050, 55.110, 138.005, 138.057, 138.081, 138.090, 153.105, 156.080, 156.705, 221.343 and 221.352; repealing 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, 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, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065, 157.070, 221.359, 221.360, 221.370, 221.380 and 221.390; and prescribing an effective date.

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

JUSTICE COURTS GENERALLY

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

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

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

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.

[*(3)*] **(2)** A justice court does not have jurisdiction over the trial of any felony or a designated drug-related misdemeanor as defined in ORS 423.478. Except as provided in ORS 51.037, a justice court does not have jurisdiction over offenses created by the charter or ordinance of any city.

SECTION 1a. ORS 156.705 is amended to read:

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

SECTION 2. Civil jurisdiction. (1) A justice court has jurisdiction, but not exclusive jurisdiction, of the following civil actions:

(a) For the recovery of money or damages only, when the amount claimed does not exceed $10,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The return of an order for a jury, the names of the persons impaneled and sworn as a jury, and the names of all witnesses sworn, and at whose request.

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

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

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

(k) Any undertaking and justification of a surety.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. ORS 156.080 is amended to read:

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

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

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

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

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

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

APPEALS FROM JUSTICE COURTS

(Generally)

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

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

(2) On appeal from a pretrial order or order entered after trial, or an amended or corrected judgment, the order or judgment from which the appeal is taken and any issue, factual or legal, necessary to decide the appeal.

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

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

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

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

(2) If a justice court has not become a court of record under ORS 51.025, an appeal from a proceeding involving a violation or misdemeanor or a civil action shall be taken to the

circuit court of the county in which the justice court is located and in the manner provided in ORS 55.110 and sections 8 to 30 and 30c of this 2025 Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The circuit court by order may extend the time for the justice court to submit the

case record.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 15. Availability of writ of review. The right of a party in a justice court to appeal under sections 8 to 30 of this 2025 Act may not be construed to prevent any party from

seeking review in the circuit court under ORS 34.010 to 34.100 for errors in law appearing on the face of the judgment entered by the justice court or the proceedings connected therewith or, in a proceeding charging a violation or misdemeanor, an interlocutory order involving the constitutionality of a statute.

(Violation and Misdemeanor Cases)

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

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

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

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

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

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

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

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

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

(b) An order allowing a demurrer.

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

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

(e) An order arresting the judgment.

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

(g) An order granting a new trial.

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

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

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

or convicted of violating.

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

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

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

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

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

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

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

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

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

(b) The circuit court may hear evidence or admit exhibits necessary to make the determination on the matter.

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

(2) On appeal by the defendant of a judgment under section 16 (1)(a) or (d) of this 2025

Act involving a violation, if the circuit court determines that no term of the justice court judgment should be reversed or modified, the circuit court shall render a judgment as provided in section 14 (2)(b) or (3) of this 2025 Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) In a matter involving a violation, the order or judgment may be appealed as provided in ORS 138.057.

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

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

(Civil Actions)

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

(a) The sum in controversy is $100 or more, or the action is for the recovery of personal property of the value of $100 or more, exclusive of disbursements in either case; or

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

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

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

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

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

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

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

(4)(a) The respondent may object to the sufficiency of an undertaking for costs and disbursements, or to stay enforcement of the judgment, including the amount of the undertaking, the security for the undertaking or the qualifications of a surety.

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

(5)(a) If a tenant on appeal of a judgment for possession of real property files an under-

taking to stay enforcement of the judgment during the appeal, absent a bond or sufficient surety, the tenant shall support the undertaking by promising to deposit with the justice court by a date certain each month the fair market rental value of the real property. The justice court may determine the fair market rental value of the real property based on the written or oral rental agreement between the parties or other evidence of the monthly rent amount due or in effect at the time the court's determination is made.

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

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

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

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

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

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

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

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

(a) For a claim based on nonpayment as defined in ORS 90.395, no earlier than 15 days

and no later than 30 days following the date of receipt of the justice court record; or

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

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

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

(Small Claims)

SECTION 30a. ORS 55.110 is amended to read:

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

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

(b) A party may not appeal from a judgment when the sum in controversy is less than $100 or when the action is for the recovery of personal property with a value of less than $100, exclusive of disbursements in the action.

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

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

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

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

(2)(a) The State Court Administrator shall create a model notice of appeal form, for appeals under ORS 55.110 that, when completed by the appellant, contains the information de-

scribed in section 9 (1) of this 2025 Act.

(b) The clerk of the justice court shall provide a party, at the party's request, a copy of the notice of appeal form.

(3) The circuit court shall decide the appeal anew without a jury. A party may not file any additional pleadings, but the circuit court may require the parties to file further statements or information as the court deems necessary for proper consideration of any issue raised on appeal.

(4) The decision of the circuit court on appeal shall be final and conclusive, and an appeal may not be taken from the judgment of the circuit court.

(Amendments to Existing Statutes)

SECTION 30d. ORS 19.240 is amended to read:

19.240. (1) An appeal to the Court of Appeals shall be taken in the manner prescribed in this chapter.

(2) The appeal shall be taken by causing a notice of appeal, in the form prescribed by ORS 19.250, to be served:

(a) On all parties who have appeared in the action, suit or proceeding;

(b) On the trial court administrator; and

(c) On the trial court transcript coordinator**, if applicable and** if a transcript is designated in connection with the appeal.

(3) The original of the notice with proof of service indorsed thereon or affixed thereto shall be filed with the Court of Appeals.

SECTION 30e. ORS 153.105 is amended to read:

153.105. **(1)** If a [*default*] judgment is entered against a defendant under ORS 153.102, the court may relieve a defendant from the judgment upon a showing that the failure of the defendant to appear was due to mistake, **including clerical mistake,** inadvertence, surprise or excusable neglect**, or that the court committed a legal error in entering the judgment**. A motion for relief under this section must be made by the defendant within a reasonable time, and in no event may a motion under this section be made more than one year after entry of judgment.

(2) If the defendant makes an oral request for relief under this section or the court rules on the request orally, or both, the court shall note in the docket that the defendant requested relief from judgment and the court's disposition of the request.

(3) This section does not limit the inherent authority of the court to relieve a party from a judgment within a reasonable time after entry of the judgment.

NOTE: Section 31 was deleted. Subsequent sections were not renumbered.

SECTION 32. ORS 138.005 is amended to read:

138.005. As used in ORS 138.010 to 138.310:

(1) Unless the context requires otherwise, the terms defined in ORS 19.005 have the meanings set forth in ORS 19.005.

(2) "Appealable" means, in reference to a judgment or order rendered by a trial court, that the judgment or order is, by law, subject to appeal by a party.

(3) "Colorable claim of error" means an argument that is plausible, grounded in the facts of the case, and reasonable under current law or a reasonable extension or modification of current law.

(4) "Reviewable" means, in reference to a particular decision of a trial court on appeal from an

appealable judgment or order, that the appellate court may, by law, consider the decision and resolve an issue regarding the decision.

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

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

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

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

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

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

SECTION 32a. ORS 138.090 is amended to read:

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

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

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

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

(4) City counsel for the city, when the city appeals in a prosecution for violating an offense created by the city's charter or by ordinance.

SECTION 33. ORS 138.057 is amended to read:

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

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

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

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

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

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

[*(d)*] **(b)** No undertaking shall be required of the party filing a notice of appeal under the pro-

visions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 34. ORS 138.081 is amended to read:

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

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

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

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

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

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

(b) On the trial court transcript coordinator**, if applicable and** if a transcript is required in

connection with the appeal; and

(c) On the trial court administrator.

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

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

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

(Repeals)

SECTION 35. 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, 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, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065 and 157.070 are repealed.

(Conforming Amendments)

SECTION 35a. ORS 21.135 is amended to read:

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

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

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

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

(c) Interpleader actions.

(d) Actions relating to a trust.

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

(f) Declaratory judgment actions.

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

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

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

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

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

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

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

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

SECTION 35b. ORS 21.160 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

SECTION 35c. ORS 51.028 is amended to read:

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

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

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

MUNICIPAL COURTS

(Appeals from Municipal Courts)

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

SECTION 37. Transfer to circuit court. (1) In any municipal court that has not become a court of record under ORS 221.342, a defendant charged with a misdemeanor shall be notified immediately after entering a plea of not guilty of the right of the defendant to have the case transferred to the circuit court for the county in which the municipal court is located. The election must be made within 10 days after the plea of not guilty is entered, and upon the election the municipal court shall immediately transfer the case to the circuit court.

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

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

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

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

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

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

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

(2) On appeal from a pretrial order or order entered after trial, or an amended or corrected judgment, the order or judgment from which the appeal is taken and any issue, factual or legal, necessary to decide the appeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) If the defendant is the appellant:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 41a. Submission of the record. (1) The municipal court shall submit the case record described in ORS 221.352 to the circuit court immediately and no later than 30 days

after the date the notice of appeal was filed, or 10 days if the defendant is in custody.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) If enforcement of the municipal court's judgment was stayed pending disposition of

an appeal to circuit court, the stay is automatically vacated when the trial court administrator provides a copy of the circuit court judgment to the municipal court under subsection (4) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The city may appeal as provided in subsection (2) of this section in a proceeding in-

volving a violation or misdemeanor defined by city charter or ordinance, in which event the appeal is in the name of the city.

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

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

(b) An order allowing a demurrer.

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

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

(e) An order arresting the judgment.

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

(g) An order granting a new trial.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The circuit court may hear evidence or admit exhibits necessary to make the determination on the matter.

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

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

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

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

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

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

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

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

(6) On appeal by the prosecution under section 44 (2)(e) to (g) of this 2025 Act, the circuit court shall render a judgment reflecting its decision and remanding the case to the municipal court.

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

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

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

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

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

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

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

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

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

(3) If the municipal court declares the charter or ordinance provision valid, the municipal court may proceed to try the matter. If the municipal court convicts the defendant of violating the charter or ordinance provision, the defendant may appeal the judgment of conviction as provided in section 51 of this 2025 Act.

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

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

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

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

(2)(a) If the order or judgment of the circuit court being appealed arises from a violation

or misdemeanor defined by state law or a traffic crime as defined in ORS 801.545, the defendant may appeal the order or judgment to the Court of Appeals:

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

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

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

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

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

(Amendments to Existing Statutes)

SECTION 52. ORS 221.352 is amended to read:

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

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

(a) The title of every action or proceeding commenced in the court, with the names of the parties thereto and the time of commencement thereof.

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

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

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

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

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

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

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

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

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

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

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

(L) [*The fact of an appeal having been made and allowed, and the date thereof, with a memorandum of the*] **The date of filing of the notice of appeal, any** undertaking[,] and [*the*] **any** justification of the sureties.

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

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

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

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

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

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

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

(Repeals)

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

(Conforming Amendments)

SECTION 54. ORS 221.343 is amended to read:

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

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

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

CAPTIONS

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

OPERATIVE DATE

SECTION 56. (1)(a) Sections 2, 3, 4, 5, 6a to 30 and 30c of this 2025 Act, the amendments to ORS 19.240, 21.135, 21.160, 51.028, 51.050, 55.110, 138.005, 138.057, 138.081, 138.090, 153.105, 156.080 and 156.705 by sections 1, 1a, 6, 30a, 30d to 34 and 35a to 35c of this 2025 Act and the repeal of 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, 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, 157.020, 157.030, 157.040, 157.050, 157.060, 157.065 and 157.070 by section 35 of this 2025

Act become operative on January 1, 2026.

(b) Sections 37 to 51 of this 2025 Act, the amendments to ORS 221.343 and 221.352 by sections 52 and 54 of this 2025 Act and the repeal of ORS 221.359, 221.360, 221.370, 221.380 and 221.390 by section 53 of this 2025 Act become operative on January 1, 2026.

(2) The Judicial Department and any justice or municipal court may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department and courts to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department and courts by the provisions of this 2025 Act.

EFFECTIVE DATE

SECTION 57. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.