

Senate Bill 98

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SUMMARY

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

Digest: The Act changes some laws about courts. (Flesch Readability Score: 90.9).
Modifies provisions relating to court processes and procedures.
Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to court processes; creating new provisions; amending ORS 1.002, 1.006, 2.150, 5.125, 10.050,
3 10.245, 14.110, 19.235, 19.270, 19.450, 24.125, 25.091, 25.100, 25.110, 34.250, 105.164, 107.097,
4 107.445, 107.449, 109.787 and 802.530; and declaring an emergency.

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

TRANSMITTING APPELLATE JUDGMENTS

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7
8
9 **SECTION 1.** ORS 19.235 is amended to read:

10 19.235. (1) Notwithstanding ORS 19.270, if any party or the trial court on its own motion, on
11 receiving actual notice of the filing of the notice of appeal, raises the issue whether the decision
12 being appealed is appealable, the trial court shall have jurisdiction to make a summary determi-
13 nation, with or without a hearing, whether the decision is appealable. As used in this section, "de-
14 cision" means any trial court ruling, either oral or written.

15 (2) If the trial court determines that the decision is not appealable, the trial court, in its dis-
16 cretion, may proceed through entry of judgment or stay proceedings pending an appellate court de-
17 termination of the existence of an appealable decision. The trial court may refer the question of the
18 existence of an appealable decision to the court to which the appeal is taken. Neither an order by
19 the trial court to proceed through entry of judgment, an order by the trial court to stay proceedings
20 pending an appellate court determination, nor a trial court referral of the question of the existence
21 of an appealable decision to the appellate court is appealable. However, on motion of any party or
22 on its own motion the appellate court may stay proceedings in the trial court or stay any order or
23 judgment entered by the trial court pending a final determination of appealability.

24 (3) When a party by motion, the trial court by referral or the appellate court on its own motion
25 raises the issue whether the decision is appealable, the appellate court may make a summary de-
26 termination of the appealability of the decision. A summary determination of the appealability of a
27 decision under this subsection is subject to review by the Supreme Court as provided in ORS 2.520
28 except that the petition for review shall be served and filed within 14 days after the date of the
29 court's determination. Either the Court of Appeals or the Supreme Court may shorten the time pe-

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

1 riod within which the petition for review shall be filed. A petition for review of a determination
2 under this subsection shall not be treated as a request for reconsideration by the Court of Appeals.
3 The Supreme Court shall expedite its review of the Court of Appeals' summary determination under
4 this subsection.

5 (4)(a) The trial court's authority to proceed with a case under subsection (2) of this section shall
6 end when the appellate court has made an express determination that an appeal has been taken from
7 an appealable order or judgment, all means for obtaining review of that determination under sub-
8 section (3) of this section have been exhausted, and the State Court Administrator at the direction
9 of the court has [*mailed*] **sent** copies of the final appellate court determination to the trial court and
10 the parties; otherwise, the trial court's jurisdiction shall continue.

11 (b) No action by the trial court taken pursuant to subsections (1) and (2) of this section, except
12 for entry of judgment, shall be void solely because an appellate court later determines that a notice
13 of appeal was filed from an appealable decision.

14 **SECTION 2.** ORS 34.250 is amended to read:

15 34.250. (1) The provisions of this section apply only to the exercise of the Supreme Court's ori-
16 ginal jurisdiction in mandamus proceedings that challenge the actions of judges in particular cases
17 in the circuit courts, the Oregon Tax Court or the Court of Appeals. The provisions of this section
18 do not apply to the exercise of the Supreme Court's original jurisdiction in mandamus proceedings
19 that challenge the administrative action of a judge or court, or that challenge other action of a
20 judge or court that is of an institutional nature. To the extent that any provision of ORS 34.105 to
21 34.240 is inconsistent with the provisions of this section, the provisions of this section govern in
22 mandamus proceedings subject to this section.

23 (2) The case title of a petition in a mandamus proceeding that is subject to this section must
24 be the same as the case title of the proceeding in the lower court, except that the relator must be
25 designated as "relator" in addition to the relator's designation in the lower court, and any party
26 who is adverse to the relator must be designated as "adverse party" in addition to that party's
27 designation in the lower court. The petition must not name as a party to the mandamus proceeding
28 the lower court or the judge whose action is challenged.

29 (3) The relator must serve a copy of the petition on all parties who have appeared in the lower
30 court case and on the judge or court whose action is being challenged.

31 (4) The judge or court whose action is challenged in the mandamus proceeding may seek to in-
32 tervene in the mandamus proceeding if the judge or court wishes to assert an interest separate from
33 the parties. If the Supreme Court allows the judge or court to intervene, the judge or court shall
34 be designated as "intervenor" in the mandamus proceeding.

35 (5) If the Supreme Court elects to issue an alternative writ of mandamus, the Supreme Court
36 shall issue an order allowing the petition. The order may be issued in combination with the alter-
37 native writ of mandamus. The State Court Administrator shall [*mail*] **send** copies of the Supreme
38 Court's order and alternative writ of mandamus to the relator, to the adverse party, to any
39 intervenor, and to the judge or court whose action is challenged in the petition. Proof of service of
40 an alternative writ need not be filed with the Supreme Court, and the judge or court to which the
41 writ is issued need not file a return unless the alternative writ specifically requires a return.

42 (6) At any time after the filing of the petition for writ of mandamus or issuance of the alterna-
43 tive writ of mandamus, if the judge or court whose action is being challenged performs the act
44 sought in the petition or required by the alternative writ, the relator shall notify the Supreme Court
45 that the judge or court has complied. The judge, the court, or any other party to the lower court

1 case may also give notice to the Supreme Court of the compliance. On motion of any party or on
 2 its own motion, the Supreme Court may dismiss a mandamus proceeding after receiving the notice
 3 provided for in this subsection.

4 (7) If the judge or court to whom the alternative writ of mandamus is directed does not perform
 5 the act required by the writ, the mandamus proceeding will proceed to briefing and oral argument
 6 as provided in the rules of the Supreme Court or as directed by the Supreme Court. An answer or
 7 other responsive pleading need not be filed by any party to the proceeding unless the alternative
 8 writ specifically requires the filing of an answer or other responsive pleading.

9 (8) If the Supreme Court has determined that the relator is entitled to a peremptory writ of
 10 mandamus, the court shall direct the State Court Administrator to issue a peremptory writ of
 11 mandamus. The peremptory writ of mandamus may be combined with the appellate judgment. If a
 12 combined peremptory writ of mandamus and an appellate judgment issue, the relator need not file
 13 proof of service of the writ with the court, and the judge or court to which the writ is issued need
 14 not file a return showing compliance with the writ.

15 (9) The State Court Administrator shall issue an appellate judgment showing the Supreme
 16 Court's disposition of the matter, as provided in the rules of the Supreme Court, if:

17 (a) The court has issued an alternative or peremptory writ of mandamus, the mandamus pro-
 18 ceeding is concluded and all issues in the proceeding have been decided; or

19 (b) The court has not issued a writ of mandamus, but the court has awarded costs and dis-
 20 bursements or attorney fees in the proceeding.

21 **SECTION 3.** ORS 19.270 is amended to read:

22 19.270. (1) The Supreme Court or the Court of Appeals has jurisdiction of the cause when the
 23 notice of appeal has been served and filed as provided in ORS 19.240, 19.250 and 19.255. The trial
 24 court may exercise those powers in connection with the appeal as are conferred by law, and retains
 25 jurisdiction in the matter for the following purposes:

26 (a) Deciding requests for attorney fees, costs and disbursements or expenses pursuant to ORCP
 27 68 or other provision of law.

28 (b) Enforcing the judgment, subject to any stay of the judgment.

29 (c) Deciding a motion for judgment notwithstanding the verdict under ORCP 63.

30 (d) Deciding a motion for new trial under ORCP 64.

31 (e) Deciding a motion for relief from judgment under ORCP 71 B.

32 (2) The following requirements of ORS 19.240, 19.250 and 19.255 are jurisdictional and may not
 33 be waived or extended:

34 (a) Service of the notice of appeal on all parties identified in the notice of appeal as adverse
 35 parties or, if the notice of appeal does not identify adverse parties, on all parties who have appeared
 36 in the action, suit or proceeding, as provided in ORS 19.240 (2)(a), within the time limits prescribed
 37 by ORS 19.255.

38 (b) Filing of the original of the notice of appeal with the Court of Appeals as provided in ORS
 39 19.240 (3), within the time limits prescribed by ORS 19.255.

40 (3) After the Supreme Court or the Court of Appeals has acquired jurisdiction of the cause, the
 41 omission of a party to perform any of the acts required in connection with an appeal, or to perform
 42 such acts within the time required, shall be cause for dismissal of the appeal. In the event of such
 43 omission, the court, on motion of a party or on its own motion may dismiss the appeal. An appeal
 44 dismissed on a party's motion or on the court's own motion may be reinstated upon showing of good
 45 cause.

1 (4) Notwithstanding the filing of a notice of appeal, the trial court has jurisdiction, with leave
 2 of the appellate court, to enter an appealable judgment or order if the appellate court determines
 3 that:

4 (a) At the time of the filing of the notice of appeal the trial court intended to enter an
 5 appealable judgment or order; and

6 (b) The judgment or order from which the appeal is taken is defective in form or was entered
 7 at a time when the trial court did not have jurisdiction of the cause under subsection (1) of this
 8 section, or the trial court had not yet entered an appealable judgment or order.

9 (5) Notwithstanding the filing of a notice of appeal, the trial court has jurisdiction:

10 (a) To enter in the trial court register a judgment or order that the trial judge signed before the
 11 notice of appeal was filed;

12 (b) To enter an order or supplemental judgment under ORCP 71 or ORS 19.275, 107.105 (4) or
 13 107.452; and

14 (c) To enter an order or supplemental judgment for the purpose of implementing a settlement
 15 as allowed by ORS 19.410 (3).

16 (6) Jurisdiction of the appellate court over a cause ends when a copy of the appellate judgment
 17 is [mailed] **sent** by the State Court Administrator to the court from which the appeal was taken
 18 pursuant to ORS 19.450, except that the appellate court may:

19 (a) Recall the appellate judgment as justice may require;

20 (b) Stay enforcement of the appellate judgment to allow the filing of a petition for writ of
 21 certiorari to the Supreme Court of the United States; and

22 (c) Stay enforcement of the appellate judgment pending disposition of the matter by the Supreme
 23 Court of the United States or for such other time as the Oregon appellate court may deem appro-
 24 priate.

25 (7) If a limited or supplemental judgment is appealed, the jurisdiction of the appellate court is
 26 limited to the matters decided by the limited or supplemental judgment, and the trial court retains
 27 jurisdiction over all other matters in the proceeding.

28 (8) After jurisdiction of the appellate court ends, all orders which may be necessary to carry the
 29 appellate judgment into effect shall be made by the court from which the appeal was taken.

30 **SECTION 4.** ORS 19.450 is amended to read:

31 19.450. (1) As used in this section:

32 (a) **“Appellate judgment” means the decision of the Court of Appeals or Supreme Court,**
 33 **or such portion of the decision as may be specified by the rule of the Supreme Court or the**
 34 **Court of Appeals, together with an award of attorney fees or allowance of costs and dis-**
 35 **bursements, if any.**

36 [(a)] (b) “Decision” means a memorandum opinion, an opinion indicating the author or an order
 37 denying or dismissing an appeal issued by the Court of Appeals or the Supreme Court. The decision
 38 shall state the court’s disposition of the judgment being appealed, and may provide for final dispo-
 39 sition of the cause. The decision shall designate the prevailing party or parties, state whether a
 40 party or parties will be allowed costs and disbursements, and if so, by whom the costs and dis-
 41 bursements will be paid.

42 [(b)] “Appellate judgment” means the decision of the Court of Appeals or Supreme Court, or such
 43 portion of the decision as may be specified by the rule of the Supreme Court, together with an award
 44 of attorney fees or allowance of costs and disbursements, if any.]

45 (2) As to appeals from circuit and tax courts, the appellate judgment is effective when a copy

1 of the appellate judgment is entered in the court's register and [mailed] **sent** by the State Court
 2 Administrator to the court from which the appeal was taken. When the State Court Administrator
 3 [mails] **sends** a copy of the appellate judgment to the court from which the appeal was taken, the
 4 administrator also shall [mail] **send** a copy to the parties to the appeal.

5 (3) If a new trial is ordered, upon the receipt of the appellate judgment by the trial court ad-
 6 ministrator for the court below, the trial court administrator shall enter the appellate court's deci-
 7 sion in the register of the court below and thereafter the cause shall be deemed pending for trial
 8 in such court, according to the directions of the court which rendered the decision. If a new trial
 9 is not ordered, upon the receipt of the appellate judgment by the trial court administrator, a judg-
 10 ment shall be entered in the register according to the directions of the court which rendered the
 11 decision, in like manner and with like effect as if the same was given in the court below.

12 (4) A party entitled to enforce an undertaking may obtain judgment against a surety by filing
 13 a request with the State Court Administrator and serving a copy of the request on the other parties
 14 and the surety. The request must identify the surety against whom judgment is to be entered and
 15 the amount of the judgment sought to be imposed against the surety. Unless otherwise directed by
 16 the appellate court, upon receiving the request the State Court Administrator shall include in the
 17 appellate judgment a judgment against the surety in the amount specified.

18 (5) If the appellate judgment terminating an appeal contains a judgment against a surety for an
 19 undertaking, the trial court administrator shall enter the judgment against the surety in like manner
 20 and with like effect as if the judgment was given in the court below.

21 (6) Except as provided in ORS 18.154, an appeal does not discharge the lien of a judgment and
 22 unless the judgment is reversed, the lien of the judgment merges with and continues in the affirmed
 23 or modified judgment given on appeal, from the time of the entry of the judgment in the court below.
 24 The lien of any judgment created by recording a certified copy of the judgment or a lien record
 25 abstract continues in force in the same manner as the original judgment lien as provided in this
 26 subsection.

27 **AWARDING ATTORNEY FEES IN CONTEMPT PROCEEDINGS**

28
 29 **SECTION 5.** ORS 107.445 is amended to read:

30 107.445. In any proceeding brought under ORS 107.095, 108.110 and 108.120, and in any contempt
 31 proceeding [in any suit for] **to enforce an order or judgment entered in a** marital annulment,
 32 dissolution or separation **proceeding**, the court may render [a] **an order or** judgment awarding to
 33 a party, or directly to the party's attorney, a sum of money determined to be reasonable as an at-
 34 torney fee at trial and on appeal therein. When a district attorney initiates or prosecutes a pro-
 35 ceeding pursuant to ORS 33.015 to 33.155 for enforcement of a restraining order issued under ORS
 36 107.716, 107.718, 124.015 or 124.020 or for enforcement of a support order, the court may enter [a]
 37 **an order or** judgment for a reasonable attorney fee to be paid by the respondent to the county in
 38 which the district attorney holds office. [A] **An order or** judgment so entered is enforceable by the
 39 party or attorney in whose favor the **order or** judgment is given against property of the other party
 40 or against any property held jointly or in common between the parties.
 41

42 **TAX COURT JUDGE AS PRESIDING JUDGE; RULEMAKING**

43
 44 **SECTION 6.** ORS 1.002 is amended to read:
 45

1 1.002. (1) The Supreme Court is the highest judicial tribunal of the judicial department of gov-
 2 ernment in this state. The Chief Justice of the Supreme Court is the presiding judge of the court
 3 and the administrative head of the judicial department of government in this state. The Chief Justice
 4 shall exercise administrative authority and supervision over the courts of this state consistent with
 5 applicable provisions of law and the Oregon Rules of Civil Procedure. The Chief Justice, to facilitate
 6 exercise of that administrative authority and supervision, may:

7 (a) Make rules and issue orders appropriate to that exercise, **including rules made pursuant**
 8 **to authority delegated by the Supreme Court under ORS 1.006.**

9 (b) Require appropriate reports from the judges, other officers and employees of the courts of
 10 this state and municipal courts.

11 (c) Pursuant to policies approved by the Judicial Conference of the State of Oregon, assign or
 12 reassign on a temporary basis all judges of the courts of this state to serve in designated locations
 13 within or without the county or judicial district for which the judge was elected.

14 (d) Set staffing levels for all courts of the state operating under the Judicial Department and for
 15 all operations in the Judicial Department.

16 (e) Establish time standards for disposition of cases.

17 (f) Establish budgets for the Judicial Department and all courts operating under the Judicial
 18 Department.

19 (g) Assign or reassign all court staff of courts operating under the Judicial Department.

20 (h) Pursuant to policies approved by the Judicial Conference of the State of Oregon, establish
 21 personnel rules and policies for judges of courts operating under the Judicial Department.

22 (i) Establish procedures for closing courts in emergencies.

23 (j) Establish standards for determining when courts are closed for purposes of ORCP 10, ORS
 24 174.120 and other rules and laws that refer to periods of time when courts are closed.

25 (k) Take any other action appropriate to the exercise of the powers specified in this section and
 26 other law, and appropriate to the exercise of administrative authority and supervision by the Chief
 27 Justice over the courts of this state.

28 (2) The Chief Justice may make rules for the use of electronic applications in the courts, in-
 29 cluding but not limited to rules relating to any of the following:

30 (a) Applications based on the use of the Internet and other similar technologies.

31 (b) The use of an electronic document, or use of an electronic image of a paper document in lieu
 32 of the original paper copy, for any record of the courts maintained under ORS 7.095 and for any
 33 document, process or paper that is served, delivered, received, filed, entered or retained in any
 34 action or proceeding.

35 (c) The use of electronic signatures or another form of identification for any document, process
 36 or paper that is required by any law or rule to be signed and that is:

37 (A) Served, delivered, received, filed, entered or retained in any action or proceeding; or

38 (B) Maintained under ORS 7.095.

39 (d) The use of electronic transmission for:

40 (A) Serving documents in an action or proceeding, other than a summons or an initial complaint
 41 or petition;

42 (B) Filing documents with a court; and

43 (C) Providing certified electronic copies of court documents and other Judicial Department re-
 44 cords to another person or public body.

45 (e) Payment of statutory or court-ordered monetary obligations through electronic media.

1 (f) Electronic storage of court documents.

2 (g) Use of electronic citations in lieu of the paper citation forms as allowed under ORS 153.770,
3 including use of electronic citations for parking ordinance violations that are subject to ORS 221.333
4 or 810.425.

5 (h) Public access through electronic means to court documents that are required or authorized
6 to be made available to the public by law.

7 (i) Transmission of open court proceedings through electronic media.

8 (j) Electronic transmission and electronic signature on documents relating to circuit court jurors
9 under ORS 10.025.

10 (3)(a) The Chief Justice may make rules relating to the data that state courts may require par-
11 ties and other persons to submit for the purpose of distinguishing particular persons from other
12 persons, gathering demographic information or identifying and evaluating disparities and impacts in
13 the justice system in Oregon.

14 (b) The Board of Governors of the Oregon State Bar shall formulate rules relating to the data
15 that the Oregon State Bar may require persons to submit for purposes of distinguishing particular
16 persons from other persons, gathering demographic information or identifying and evaluating dis-
17 parities and impacts in the justice system in Oregon. Rules adopted under this paragraph are subject
18 to review and approval by the Supreme Court.

19 (c) If the rules described in this subsection require the submission of data that federal law does
20 not require be made public, the rules may require courts or the Oregon State Bar to maintain the
21 data confidentially and not release the data except pursuant to a court order issued for good cause
22 shown. Data that is made confidential under the rules is not subject to disclosure under ORS 192.311
23 to 192.478. Rules described in this subsection may permit the release of data in the aggregate in a
24 manner that does not identify any individual person.

25 (4) Rules adopted by the Chief Justice under subsection (2) of this section must be consistent
26 with the laws governing courts and court procedures, but any person who serves, delivers, receives,
27 files, enters or retains an electronic document, or an electronic image of a paper document in lieu
28 of the original paper copy, in the manner provided by a rule of the Chief Justice under subsection
29 (2) of this section shall be considered to have complied with any rule or law governing service, de-
30 livery, reception, filing, entry or retention of a paper document.

31 (5)(a) Notwithstanding any other statute or rule to the contrary, the Chief Justice may direct
32 or permit any appearance before a court or magistrate to be by telephone, other two-way electronic
33 communication device or simultaneous electronic transmission.

34 (b) If an appearance is set to occur by electronic means as described in paragraph (a) of this
35 subsection, a presiding judge may instead order that the appearance be in person if, upon the re-
36 quest of a party, the presiding judge determines that there is a particular need for an in-person
37 hearing or that a party has a constitutional right to an in-person hearing.

38 (c) The presiding judge may delegate the authority described in this subsection to another judge
39 of the court.

40 (d) Nothing in this subsection affects the rights of a defendant under the Oregon and United
41 States Constitutions.

42 (6)(a) As used in this subsection, “period of statewide emergency” means the period of time
43 during which any declaration of a state of emergency under ORS 401.165, public health emergency
44 under ORS 433.441 or catastrophic disaster under Article X-A, section 1, of the Oregon Constitution,
45 issued by the Governor, and any extension of the declaration, is in effect, and continuing for 60 days

1 after the declaration and any extension is no longer in effect.

2 (b) During a period of statewide emergency, and upon a finding of good cause, the Chief Justice
3 may extend or suspend any time period or time requirement established by statute or rule, other
4 than ORS 133.060, 136.290 or 136.295, that:

5 (A) Applies in any case, action or proceeding after the case, action or proceeding is initiated in
6 any circuit court, the Oregon Tax Court, the Court of Appeals or the Supreme Court;

7 (B) Applies to the initiation of an appeal to the magistrate division of the Oregon Tax Court or
8 an appeal from the magistrate division to the regular division;

9 (C) Applies to the initiation of an appeal or judicial review proceeding in the Court of Appeals;
10 or

11 (D) Applies to the initiation of any type of case or proceeding in the Supreme Court.

12 (c)(A) Notwithstanding ORS 125.150 (3), during a period of statewide emergency, the Chief Jus-
13 tice may direct or permit that any interview of a person described in ORS 125.150 (3) by a visitor
14 appointed by the court be conducted by telephone, other two-way electronic communication device
15 or simultaneous electronic transmission.

16 (B) The presiding judge may delegate the authority described in this paragraph to another judge
17 of the court.

18 (d) Nothing in this subsection affects the rights of a defendant under the Oregon and United
19 States Constitutions.

20 (7) Rules made and orders issued by the Chief Justice under this section shall permit as much
21 variation and flexibility in the administration of the courts of this state as are appropriate to the
22 most efficient manner of administering each court, considering the particular needs and circum-
23 stances of the court, and consistent with the sound and efficient administration of the judicial de-
24 partment of government in this state.

25 (8)(a) The Chief Justice may establish reasonable fees for the use of the Oregon Judicial Case
26 Information Network, including fees for electronic access to documents.

27 (b)(A) Before permanently adopting or increasing fees under this subsection, the Chief Justice
28 shall provide notice to interested persons and allow a reasonable opportunity for comment.

29 (B) Before temporarily adopting or increasing fees under this subsection, the Chief Justice shall
30 provide notice to interested persons.

31 (C) The Chief Justice shall by order establish a process for notice and comment under this
32 paragraph.

33 (c) Fees adopted under this subsection must be reasonably calculated to recover or offset costs
34 of developing, maintaining, supporting or providing access to or use of state court electronic appli-
35 cations and systems.

36 (9) The judges, other officers and employees of the courts of this state shall comply with rules
37 made and orders issued by the Chief Justice. Rules and orders of a court of this state, or a judge
38 thereof, relating to the conduct of the business of the court shall be consistent with applicable rules
39 made and orders issued by the Chief Justice.

40 (10) The Chief Judge of the Court of Appeals, **the judge of the Oregon Tax Court** and the
41 presiding judge of each judicial district of this state are the administrative heads of their respective
42 courts. They are responsible and accountable to the Chief Justice of the Supreme Court in the ex-
43 ercise of their administrative authority and supervision over their respective courts. Other judges
44 of the Court of Appeals [*or*], **magistrates of the Oregon Tax Court and other judges of a court**
45 under a presiding judge are responsible and accountable to the Chief Judge, **the judge of the**

1 **Oregon Tax Court** or presiding judge, and to the Chief Justice, in respect to exercise by the Chief
 2 Justice, Chief Judge, **judge of the Oregon Tax Court** or presiding judge of administrative authority
 3 and supervision.

4 (11) The Chief Justice may delegate the exercise of any of the powers specified by this section
 5 to the presiding judge of a court, and may delegate the exercise of any of the administrative powers
 6 specified by this section to the State Court Administrator, as may be appropriate.

7 (12) This section applies to justices of the peace and the justice courts of this state solely for
 8 the purpose of disciplining of justices of the peace and for the purpose of continuing legal education
 9 of justices of the peace.

10 **SECTION 7.** ORS 1.006 is amended to read:

11 1.006. (1) The Supreme Court may prescribe by rule the form of written process, notices, motions
 12 and pleadings used or submitted in civil proceedings and criminal proceedings in the courts of this
 13 state. The rules shall be designed to prescribe standardized forms of those writings for use
 14 throughout the state. The forms so prescribed shall be consistent with applicable provisions of law
 15 and the Oregon Rules of Civil Procedure. The form of written process, notices, motions and
 16 pleadings submitted to or used in the courts of this state shall comply with rules made under this
 17 section.

18 *[(2) The Supreme Court may prescribe by rule the manner of filing of pleadings and other papers*
 19 *submitted in civil proceedings with the courts of this state by means of a telephonic facsimile commu-*
 20 *nication device. The manner so prescribed shall be consistent with applicable provisions of law and the*
 21 *Oregon Rules of Civil Procedure.]*

22 **(2) The Supreme Court may delegate the authority granted in subsection (1) of this sec-**
 23 **tion to the Chief Justice.**

24 **SECTION 8.** ORS 802.530 is amended to read:

25 802.530. The Department of Transportation is authorized to enter into bilateral or multilateral
 26 reciprocal agreements with other jurisdictions to provide mutual assistance in the disposition of
 27 traffic offenses committed by residents of one jurisdiction while in another jurisdiction. Agreements
 28 authorized by this section are subject to the following:

29 (1) An agreement may provide for the sharing of information between and among jurisdictions
 30 concerning driving records, vehicle registration records and records concerning the granting, denial,
 31 revocation or suspension of driving privileges.

32 (2) An agreement may provide that a jurisdiction will suspend the driving privileges of a resi-
 33 dent of the jurisdiction if the resident does not comply with the requirements and responsibilities
 34 created by citation for or conviction of a traffic offense in another jurisdiction.

35 (3) An agreement may provide that a jurisdiction will refuse to issue or renew a driver license
 36 or permit or to issue a duplicate or replacement license or permit for a resident of the jurisdiction
 37 if the resident does not comply with the requirements and responsibilities created by citation for
 38 or conviction of a traffic offense in another jurisdiction.

39 (4) An agreement may be limited to certain traffic offenses.

40 (5) An agreement may provide for the establishment of fees for and collection of fees from per-
 41 sons cited for traffic offenses or convicted of traffic offenses who are subject to the terms of the
 42 agreement. Any agency of this state that participates in a program established by an agreement
 43 authorized by this section is granted authority to establish fees for and collect fees from persons
 44 subject to an agreement. Fees established for purposes of this subsection must be established by
 45 rule. No fee established for purposes of this subsection may exceed an amount necessary to recover

1 the actual cost incurred by participation in the program established by the agreement.

2 (6) An agreement may provide that residents of one jurisdiction who are issued citations for
 3 traffic offenses in another jurisdiction will be released on recognizance without requirement of se-
 4 curity deposit or bail. Nothing in this subsection authorizes an agreement that prohibits a court
 5 from releasing on security release, as defined in ORS 135.230, a person charged with a traffic crime.

6 (7) An agreement may provide that one jurisdiction will act as agent for another jurisdiction in
 7 the disposition of traffic offenses committed in the other jurisdiction. No provision described under
 8 this subsection may be established that requires the participation of courts of this state unless the
 9 [*Oregon Supreme Court*] **Chief Justice of the Supreme Court** establishes rules under ORS 1.002 to
 10 provide procedures for court participation.

11 (8) No agreement may be established under this section to provide for assistance in dealing with:

12 (a) Offenses other than traffic offenses.

13 (b) Parking offenses.

14 (c) Bicycle offenses.

15 (d) Pedestrian offenses.

16 (9) Any agreement established under this section must provide that this state may withdraw
 17 from the agreement upon notice of not more than 90 days.

18 (10) An agreement may include any other provision that the department determines will assist
 19 in the disposition of traffic offenses committed by residents of one jurisdiction while in another ju-
 20 risdiction or will increase the convenience for residents of this state in complying with requirements
 21 and responsibilities created by citation for or conviction of a traffic offense in another jurisdiction.

22 (11) The department may adopt rules necessary to implement any agreement established under
 23 this section.

24 (12) The department must submit a report on any agreement proposed under this section to the
 25 presiding officers of each house of the Oregon Legislative Assembly at least 30 days before the
 26 agreement may take effect. An agreement described under this section cannot take effect in this
 27 state unless the department complies with this subsection.

28
 29 **REGISTRATION OF FOREIGN JUDGMENTS**

30
 31 **SECTION 9.** ORS 109.787 is amended to read:

32 109.787. (1) A child custody determination issued by a court of another state may be registered
 33 in this state, with or without a simultaneous request for enforcement, by sending to any circuit
 34 court in this state:

35 (a) A letter or other document requesting registration;

36 (b) The filing fee established under ORS 21.145;

37 (c) [*Two copies, including*] One certified copy[,] of the determination sought to be registered and
 38 a statement under penalty of perjury that to the best of the knowledge and belief of the person
 39 seeking registration the order has not been modified; and

40 (d) Except as otherwise provided in ORS 109.767, the name and address of the person seeking
 41 registration and any parent or person acting as a parent who has been awarded custody, parenting
 42 time or visitation in the child custody determination sought to be registered.

43 (2) On receipt of the documents required by subsection (1) of this section, the registering court
 44 shall cause the determination to be filed as a foreign judgment, together with one copy of any ac-
 45 companying documents and information, regardless of their form.

1 (3) The person seeking registration of a child custody determination shall serve notice upon the
 2 persons named under subsection (1)(d) of this section notifying them of the opportunity to contest
 3 the registration in accordance with this section.

4 (4) The notice required by subsection (3) of this section must state that:

5 (a) A registered determination is enforceable as of the date of the registration in the same
 6 manner as a determination issued by a court of this state;

7 (b) A hearing to contest the validity of the registered determination must be requested within
 8 21 days after service of notice; and

9 (c) Failure to contest the registration will result in confirmation of the child custody determi-
 10 nation and preclude further contest of that determination with respect to any matter that could have
 11 been asserted.

12 (5) A person seeking to contest the validity of a registered order must request a hearing within
 13 21 days after service of the notice and pay the filing fee established under ORS 21.145. At that
 14 hearing, the court shall confirm the registered order unless the person contesting registration es-
 15 tablishes that:

16 (a) The issuing court did not have jurisdiction under ORS 109.741 to 109.771;

17 (b) The child custody determination sought to be registered has been vacated, stayed or modified
 18 by a court having jurisdiction to do so under ORS 109.741 to 109.771; or

19 (c) The person contesting registration was entitled to notice, but notice was not given in ac-
 20 cordance with the standards of ORS 109.724, in the proceedings before the court that issued the
 21 order for which registration is sought.

22 (6) If a timely request for a hearing to contest the validity of the registration is not made, the
 23 registration is confirmed as a matter of law and the person requesting registration and all persons
 24 served must be notified of the confirmation.

25 (7) Confirmation of a registered order, whether by operation of law or after notice and hearing,
 26 precludes further contest of the order with respect to any matter that could have been asserted at
 27 the time of registration.

28
 29 **DECLARATION FOR FILING FOR CHANGE OF VENUE**

30
 31 **SECTION 10.** ORS 14.110 is amended to read:

32 14.110. (1) The court or judge thereof may change the place of trial, on the motion of either
 33 party to an action or suit, when it appears from the affidavit **or declaration under penalty of**
 34 **perjury in the form required by ORCP 1 E** of such party that the motion is not made for the
 35 purpose of delay and:

36 (a) That the action or suit has not been commenced in the proper county;

37 (b) That the judge is a party to, or directly interested in the event of the action or suit, or
 38 connected by consanguinity or affinity within the third degree, with the adverse party or those for
 39 whom the adverse party prosecutes or defends;

40 (c) That the convenience of witnesses and the parties would be promoted by such change; or

41 (d) In an action, that the judge or the inhabitants of the county are so prejudiced against the
 42 party making the motion that the party cannot expect an impartial trial before the judge or in the
 43 county, as the case may be.

44 (2) When the moving party in an action is a nonresident of the county, the affidavit **or decla-**
 45 **ration** required under this section may be made by anyone on behalf of the moving party.

DECLARATION FOR FILING FOREIGN JUDGMENT

SECTION 11. ORS 5.125 is amended to read:

5.125. In the county court there shall be charged and collected in advance by the county clerk as clerk of the court, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) Making transcription from the judgment docket, \$4.

(2) Filing and entering transcript of judgment, \$4.

(3) Filing and docketing copy of foreign judgment and affidavit **or declaration** filed as provided in ORS 24.115 and 24.125, \$25.

(4) Issuing writs of execution or writs of garnishment, \$3 for each writ.

(5) Preparing clerk's certificate of satisfaction of judgment, \$3.75.

(6) For any service not enumerated in this section, the fees provided or established under ORS 205.320.

SECTION 12. ORS 24.125 is amended to read:

24.125. (1) At the time of the filing of the foreign judgment, the judgment creditor or the creditor's lawyer shall make and file with the clerk of the court an affidavit **or declaration under penalty of perjury in the form required by ORCP 1 E** setting forth the names and last-known post-office addresses of the judgment debtor and the judgment creditor, together with [*a separate statement containing*] the information required to be contained in a judgment under ORS 18.042.

(2) Promptly after filing the foreign judgment and the affidavit **or declaration**, the judgment creditor must mail notice of the filing of the foreign judgment to the judgment debtor. The notice shall include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. The judgment creditor must file with the court proof of mailing the notice.

(3) No execution or other process for enforcement of a foreign judgment filed pursuant to ORS 24.105 to 24.125, 24.135 and 24.155 to 24.175, except a judgment, decree or order of a court of the United States, shall issue until five days after the date the judgment[, *affidavit and separate statement*] **and affidavit or declaration** required in subsection (1) of this section are filed.

CUSTODY AND PARENTING TIME ORDERS

SECTION 13. ORS 107.097 is amended to read:

107.097. (1) Except as otherwise provided in subsection (3) of this section, a court may not enter ex parte a temporary order under ORS 107.095, 109.103 or 109.119 providing for the custody of, or parenting time with, a child.

(2)(a) A party may apply to a court for a temporary [*protective order of restraint*] **prejudgment status quo order** by filing with the court an affidavit or a declaration under penalty of perjury in the form required by ORCP 1 E, conforming to the requirements of ORS 109.767.

(b) Upon receipt of an application under this subsection, the court may issue a temporary [*protective order of restraint*] **prejudgment status quo order** restraining and enjoining each party from:

(A) Changing the child's usual place of residence;

(B) Interfering with the present placement and daily schedule of the child;

(C) Hiding or secreting the child from the other party;

(D) Interfering with the other party's usual contact and parenting time with the child;

1 (E) Leaving the state with the child without the written permission of the other party or the
2 permission of the court; or

3 (F) In any manner disturbing the current schedule and daily routine of the child until custody
4 or parenting time has been determined.

5 (c) A copy of the order and the supporting affidavit or declaration under penalty of perjury must
6 be served on the other party in the manner of service of a summons under ORCP 7. The order must
7 include the following statement:

8 _____
9
10 Notice: You may request a hearing on this order as long as it remains in effect by filing with
11 the court a request for a hearing. In the request you must tell the court and the other party that
12 you object to the order and specifically why you disagree with the representation of the status quo
13 described in the order. In the request you must also inform the court of your telephone number or
14 contact number and your current residence, mailing or contact address.
15 _____

16
17 (3)(a) A court may enter ex parte a temporary order providing for the custody of, or parenting
18 time with, a child if:

19 (A) The party requesting an order is present in court and presents an affidavit or a declaration
20 under penalty of perjury, alleging that the child is in immediate danger; and

21 (B) The court finds, based on the facts presented in the party's testimony, the party's affidavit
22 or declaration under penalty of perjury and the testimony of the other party, if the other party is
23 present, that the child is in immediate danger.

24 (b) The party requesting an order under this subsection shall provide the court with telephone
25 numbers where the party can be reached at any time during the day and a contact address.

26 (c) A copy of the order and the supporting affidavit or declaration under penalty of perjury must
27 be served on the other party in the manner of service of a summons under ORCP 7. The order must
28 include the following statement:

29 _____
30
31 Notice: You may request a hearing on this order as long as it remains in effect by filing with
32 the court a request for a hearing. In the request you must tell the court and the other party that
33 you object to the order on the ground that the child was not in immediate danger at the time the
34 order was issued. In the request you must also inform the court of your telephone number or contact
35 number and your current residence, mailing or contact address.
36 _____

37
38 (4)(a) A party against whom an order is entered under subsection (2) or (3) of this section may
39 request a hearing by filing with the court a hearing request described in subsection (2) or (3) of this
40 section at any time while the order is in effect.

41 (b) The court shall make reasonable efforts to hold a hearing within 14 days and shall hold a
42 hearing no later than 21 days after receipt of the request for the hearing. The court shall notify
43 each party of the time, date and place of the hearing.

44 (c) An order issued under subsection (2) or (3) of this section remains in effect through the date
45 of the hearing. If the party against whom the order was entered fails to appear at the hearing

1 without good cause, the court shall continue the order in effect. If the party who obtained the order
 2 fails to appear at the hearing without good cause, the court shall vacate the order.

3 (d) The issue at a hearing to contest:

4 (A) A temporary [*protective order of restraint*] **prejudgment status quo order** is limited to a
 5 determination of the status quo at the time the order was issued. If the child’s usual place of resi-
 6 dence cannot be determined, the court may make any further order the court finds appropriate in
 7 the best interests of the child.

8 (B) A temporary order for the custody of, or parenting time with, a child is limited to whether
 9 the child was in immediate danger at the time the order was issued.

10 (5) The State Court Administrator shall prescribe the content and form of a request for a hear-
 11 ing described in subsections (2) and (3) of this section.

12 (6) As used in this section:

13 (a) “Child’s usual place of residence” has the meaning given that term in ORS 107.138.

14 (b) “Party’s usual contact and parenting time,” “present placement and daily schedule of the
 15 child” and “current schedule and daily routine of the child” have the meanings given “parent’s usual
 16 contact and parenting time,” “present placement and daily schedule of the child” and “current
 17 schedule and daily routine of the child” in ORS 107.138.

18
 19 **ELECTRONIC COMMUNICATION WITH JURORS**

20
 21 **SECTION 14.** ORS 10.050 is amended to read:

22 10.050. (1) A judge of the court or clerk of court shall excuse a person from acting as a juror
 23 upon a showing of undue hardship or extreme inconvenience to the person, the person’s family, the
 24 person’s employer or the public served by the person. In applying this subsection the judge or clerk
 25 of court shall carefully consider and weigh both the public need for juries which are representative
 26 of the full community and the individual circumstances offered as a justification for excuse from jury
 27 service. A person may request and be granted excuse from jury service under this subsection by
 28 means of telephone communication, [*or*] mail **or other method prescribed by the court.**

29 (2) Notwithstanding ORS 10.030 (4), a judge may, by own motion, excuse a juror whose presence
 30 on the jury would substantially impair the progress of the action on trial or prejudice the parties
 31 thereto.

32 (3) A judge of the court or clerk of court shall excuse a person from acting as a juror upon the
 33 request of that person if the person is 70 years of age or older. A person may request and be granted
 34 excuse from jury service under this subsection by means of telephone communication, [*or*] mail **or**
 35 **other method prescribed by the court.**

36 (4) A judge of the court or clerk of court shall excuse a woman from acting as a juror upon the
 37 request of the woman if the woman is breast-feeding a child. A request for excuse from jury service
 38 under this subsection must be made in writing **or other method prescribed by the court.**

39 (5) Unless the public need for juries in the court outweighs the individual circumstances of the
 40 person summoned, a judge of the court or clerk of court shall excuse a person from acting as a juror
 41 upon the request of that person if the person is the sole caregiver for a child or other dependent
 42 during the court’s normal hours of operation, the person is unable to afford day care or make other
 43 arrangements for the care of the dependent, and the person personally attends to the dependent
 44 during the court’s normal hours of operation.

45 **SECTION 15.** ORS 10.245 is amended to read:

1 10.245. (1) Before or at the time a person summoned to serve as a juror reports for jury service
 2 in a county, a judge of the circuit court for the county or clerk of court shall question the person
 3 as to the eligibility of the person to act as a juror under ORS 10.030. If a judge or clerk of court
 4 determines that a person so questioned is not eligible to act as a juror, the person shall be dis-
 5 charged.

6 (2) The presiding judge for the judicial district [*may cause to be mailed or delivered with a juror's*
 7 *summons a juror eligibility form and instructions for completion of the form and return of the com-*
 8 *pleted form by mail or personal delivery to the clerk of court by a specified date*] **shall provide a**
 9 **method for a juror to complete a juror eligibility form and return the completed form to the**
 10 **clerk of court by a specified date.** The form shall set forth the eligibility requirements prescribed
 11 in ORS 10.030.

12 (3) A person who knowingly makes a false statement of material fact in response to a question
 13 on a juror eligibility form may be punished for contempt.

14 (4) A completed juror eligibility form shall contain the summoned person's signed declaration
 15 that the responses to questions on the form are true to the best of the person's knowledge and an
 16 acknowledgment that a knowingly made false statement of material fact may be punished by a fine
 17 or imprisonment or both. Notarization of a completed form shall not be required.

18 (5) If a person summoned is unable to complete a juror eligibility form, another person may do
 19 it for the person summoned. Another person completing a form shall indicate on the form that the
 20 person did so and the reason therefor.

21 (6) If a person summoned fails to return a properly completed juror eligibility form as instructed,
 22 a judge of the circuit court may direct the person to appear forthwith and properly complete a form.
 23 If the person fails to appear as directed, a judge of the circuit court shall order the person to appear
 24 and show cause for that failure. If the person fails to appear pursuant to the order or appears and
 25 fails to show good cause, the person may be punished for contempt.

26 (7) Before or at the time a person summoned reports for jury service, a judge of the circuit court
 27 or clerk of court may question the person as to responses to questions on a completed jury eligibility
 28 form returned by the person and grounds for any ineligibility of the person to act as a juror. Any
 29 pertinent information so acquired shall be noted on the form.

30 (8) Review by a judge of the circuit court or clerk of court of a completed juror eligibility form
 31 returned by a person summoned satisfies the requirement prescribed in subsection (1) of this section
 32 that a person summoned be questioned. If a judge or clerk of court determines that a person is not
 33 eligible to act as a juror based on a completed form, the person shall be discharged.

34
 35 **ADDITIONAL COURTS IN FAMILY LAW STATUTES**

36
 37 **SECTION 16.** ORS 107.449 is amended to read:

38 107.449. (1) Upon motion of a party to a proceeding under ORS 107.135 (1) that is not otherwise
 39 covered under the provisions of ORS 25.100 (1), based upon convenience of the parties, the court
 40 that entered the original judgment may enter an order designating an [*auxiliary*] **additional** court
 41 located where either party resides for the purpose of hearing the matter.

42 (2) Upon entry of an order designating an [*auxiliary*] **additional** court under this section:

43 (a) The clerk of the court in which the original order or judgment was entered shall notify the
 44 [*auxiliary*] **additional** court of the order designating the [*auxiliary*] **additional** court.

45 (b) The [*auxiliary*] **additional** court has jurisdiction the same as if it were the court that made

1 and entered the original order or judgment.

2 (3) The only courts that have jurisdiction to modify any provision of the original order or
3 judgment are:

4 (a) The court having original jurisdiction of the cause in which the order or judgment was en-
5 tered; and

6 (b) An [*auxiliary*] **additional** court designated under this section.

7 (4) When an [*auxiliary*] **additional** court enters an order or judgment under this section, the
8 clerk of the [*auxiliary*] **additional** court shall forward the order or judgment to the clerk of the
9 court in which the original order or judgment was entered. The clerk of the court in which the
10 original order or judgment was entered shall file the [*auxiliary*] **additional** court's order or judgment
11 in the original court file.

12 **SECTION 17.** ORS 25.091 is amended to read:

13 25.091. (1) As used in this section:

14 (a) "Child support judgment" has the meaning given that term in ORS 25.089.

15 (b) "Governing child support judgment" means a child support judgment issued in this state that
16 addresses child support, including medical support as defined in ORS 25.321, and is entitled to ex-
17 clusive prospective enforcement or modification with respect to any earlier child support judgment
18 issued in this state.

19 (2) Notwithstanding any other provision of this section or ORS 25.089, when two or more child
20 support judgments exist involving the same obligor and child and one or more of the judgments was
21 issued by a tribunal of another state, the court shall apply the provisions of ORS chapter 110 before
22 enforcing or modifying a judgment under this section or ORS 25.089.

23 (3) When two or more child support judgments exist involving the same obligor and child and
24 the same period, any party to one or more of the child support judgments or the administrator, un-
25 der ORS 25.531, may file a petition with the court for a governing child support judgment under this
26 section. When a matter involving a child is before the court and the court finds that two or more
27 child support judgments exist involving the same obligor and child and the same period, the court
28 on its own motion, and after notice to all affected parties, may determine the controlling terms of
29 the child support judgments and issue a governing child support judgment under this section.

30 (4)(a) Except as provided in paragraph (b) of this subsection, when two or more child support
31 judgments exist involving the same obligor and child and the same period, and each judgment was
32 issued in this state, there is a presumption that the terms of the last-issued child support judgment
33 are the controlling terms and terminate contrary terms of each earlier-issued child support judg-
34 ment.

35 (b) If the earlier-issued child support judgment requires provision of a specific type of child
36 support and the last-issued child support judgment is silent with respect to that type of child sup-
37 port, the requirement of the earlier-issued child support judgment continues in effect.

38 (5) A party may rebut the presumption in subsection (4) of this section by showing that:

39 (a) The last-issued child support judgment should be set aside under the provisions of ORCP 71;

40 (b) The last-issued child support judgment was issued without prior notice to the issuing court,
41 administrator or administrative law judge that:

42 (A) There was pending in this state or any other jurisdiction any type of support proceeding
43 involving the child; or

44 (B) There existed in this state or any other jurisdiction another child support judgment involv-
45 ing the child; or

1 (c) The last-issued child support judgment was issued after an earlier child support judgment and
2 did not enforce, modify or set aside the earlier child support judgment in accordance with ORS
3 25.089.

4 (6) When a court finds that two or more child support judgments exist involving the same
5 obligor and child and the same period, and each child support judgment was issued in this state, the
6 court shall set the matter for hearing to determine the controlling terms of the child support judg-
7 ments. When the child support judgments were issued in different counties of this state, the court
8 may designate an [*auxiliary*] **additional** court under ORS 25.100.

9 (7) Following a review of each child support judgment and any other evidence admitted by the
10 court:

11 (a) The court shall apply the presumption in subsection (4) of this section, unless the
12 presumption is rebutted, and shall determine the controlling terms of the child support judgments;
13 and

14 (b) Notwithstanding ORS 25.089 (3), the court shall issue a governing child support judgment
15 addressing child support, including medical support as defined in ORS 25.321, for the benefit of the
16 child.

17 (8) The governing child support judgment must include:

18 (a) A reference to each child support judgment considered and a copy of the judgment;

19 (b) A determination of which terms regarding child support, including medical support as defined
20 in ORS 25.321, are controlling and which child support judgment or judgments contain those terms;

21 (c) An affirmation, termination or modification of the terms regarding child support, including
22 medical support as defined in ORS 25.321, in each of the child support judgments;

23 (d) Except as provided in subsection (9) of this section, a reconciliation of any child support
24 arrears or credits under all of the child support judgments; and

25 (e) The effective date of each controlling term and the termination date of each noncontrolling
26 term in each of the child support judgments. In determining these dates, the court may apply the
27 following:

28 (A) A controlling term is effective on the date specified in the child support judgment containing
29 that term or, if no date is specified, on the date the child support judgment was entered as described
30 in ORS 18.075.

31 (B) A noncontrolling term is terminated on the date the governing child support judgment is
32 entered as described in ORS 18.075.

33 (9) The court may order the parties, in a separate proceeding under ORS 25.167 or 25.540, to
34 reconcile any child support arrears or credits under all of the child support judgments.

35 (10) When the governing child support judgment is entered as described in ORS 18.075, the
36 noncontrolling terms of each earlier child support judgment are terminated. However, subject to
37 subsection (11) of this section, the entry of the governing child support judgment does not affect any
38 child support payment arrearage or any liability related to medical support, as defined in ORS
39 25.321, that has accrued under a child support judgment before the governing child support judgment
40 is entered.

41 (11) For purposes of reconciling any child support arrears or credits under all of the child sup-
42 port judgments, amounts collected and credited for a particular period under one child support
43 judgment must be credited against the amounts accruing or accrued for the same period under any
44 other child support judgment.

45 (12) Not sooner than 30 days and not later than 60 days after entry of the governing child sup-

1 port judgment, a party named by the court, or the petitioner if the court names no other party, shall
 2 file a copy of the governing child support judgment with each court or the administrator that issued
 3 an earlier child support judgment. A party who fails to file a copy of the governing child support
 4 judgment as required by this subsection is subject to monetary sanctions, including but not limited
 5 to attorney fees, costs and disbursements. A failure to file does not affect the validity or
 6 enforceability of the governing child support judgment.

7 (13) This section applies to any judicial proceeding in which child support may be awarded or
 8 modified under this chapter or ORS chapter 107, 108 or 109 or ORS 25.501 to 25.556, 125.025,
 9 419B.400, 419B.923 or 419C.610.

10 **SECTION 18.** ORS 25.100 is amended to read:

11 25.100. (1) With respect to any order or judgment entered pursuant to ORS 25.501 to 25.556,
 12 107.095, 107.105, 108.120, 109.155 or 419B.400 or ORS chapter 110, if a party seeking modification or
 13 enforcement of an order or judgment for the payment of money files a certificate to the effect that
 14 a party is presently in another county of this state, the court may, upon motion of the party, enter
 15 an order designating the circuit court of any county in this state in which the obligee or obligor
 16 resides, or in which property of the obligor is located, as an [auxiliary] **additional** court for purposes
 17 of the order or judgment.

18 (2) The clerk of the circuit court in which the original order or judgment was entered shall
 19 notify the [auxiliary] **additional** court of the order designating the [auxiliary] **additional** court.

20 **SECTION 19.** ORS 25.110 is amended to read:

21 25.110. (1) Upon entry of an order designating an [auxiliary] **additional** court under ORS 25.100,
 22 the [auxiliary] **additional** court has jurisdiction to compel compliance with an order or judgment for
 23 payment of support the same as if it were the court that made and entered the original order or
 24 judgment.

25 (2) The only courts that have jurisdiction to modify any provision of the original order or
 26 judgment are:

27 (a) The court having original jurisdiction of the cause in which the order or judgment was en-
 28 tered; and

29 (b) An [auxiliary] **additional** court designated under ORS 25.100.

30 (3) When an [auxiliary] **additional** court enters an order or judgment under this section, the
 31 clerk of the [auxiliary] **additional** court shall forward the order or judgment to the clerk of the
 32 court in which the original order or judgment was entered. The clerk of the court in which the
 33 original order or judgment was entered shall file the [auxiliary] **additional** court's order or judgment
 34 in the original court file.

35
 36 **REMOVAL OF REQUIREMENT FOR BOUND PUBLICATION OF**
 37 **COURT DECISIONS AND MATERIALS**
 38

39 **SECTION 20.** ORS 2.150 is amended to read:

40 2.150. (1) The Supreme Court shall arrange for the publication and distribution of [bound] vol-
 41 umes of reports of decisions of the Supreme Court [and], **the** Court of Appeals[, of bound volumes
 42 of reports of decisions of] **and** the Oregon Tax Court determined to be of general public interest
 43 under ORS 305.450[, of unbound copies of those decisions to be used as advance sheets] and press
 44 summaries, rules and other official judicial department publications. The [bound] volumes of reports
 45 or advance sheets shall contain additional material as the Supreme Court may direct.

1 (2) The *[bound]* volumes of reports or advance sheets or both may be printed and bound, as the
 2 Supreme Court shall determine, by:

3 (a) The Oregon Department of Administrative Services in the same manner as other state
 4 printing; or

5 (b) A private printer pursuant to a contract entered into by the Supreme Court with the printer
 6 and not subject to ORS 282.020.

7 (3) *[The bound]* **Any** volumes of reports or advance sheets or both may be distributed, as the
 8 Supreme Court shall determine, by:

9 (a) The State Court Administrator; or

10 (b) A private distributor pursuant to a contract entered into by the Supreme Court with the
 11 distributor.

12 (4) *[The bound]* **Any** volumes of reports and advance sheets shall be distributed without charge
 13 as determined by the Supreme Court or sold by the distributor. Except as otherwise provided in a
 14 contract entered into under subsection (3)(b) of this section, the State Court Administrator shall
 15 determine sale prices and all moneys collected or received from sales shall be paid into the Court
 16 Publications Account established by ORS 2.165.

17 (5) *[In addition to bound volumes of reports or advance sheets under the provisions of this*
 18 *section,]* The Supreme Court may make any of the decisions of courts or other court publications
 19 available in electronic format. Access to the electronic publications may be without charge or sub-
 20 ject to such charge as may be established by the Supreme Court. All moneys collected or received
 21 from sales shall be paid into the Court Publications Account established by ORS 2.165.

22
 23 **SETTING ASIDE OLD JUDGMENTS IN FED CASES**
 24

25 **SECTION 21.** ORS 105.164 is amended to read:

26 105.164. (1) On an annual basis, each justice and circuit court shall enter an order setting aside
 27 a judgment and sealing the official records for each case for possession brought under ORS chapter
 28 90 for which the court finds that:

29 (a) The judgment does not contain a money award or that any money award has expired or been
 30 satisfied or discharged; and

31 (b)(A) The judgment was a judgment of restitution entered for the plaintiff and at least five
 32 years have passed from the date of the judgment; or

33 (B) The judgment was a judgment *[by stipulation of the parties]* **of dismissal pursuant to a**
 34 **stipulated agreement** under ORS 105.145 (2) **or 105.146** and at least 12 months have passed from
 35 the date of the **entry of the** judgment.

36 (2) Upon entry of the order, the judgment that is the subject of the motion is deemed not to have
 37 been entered, and any party may answer accordingly any questions relating to its occurrence.

38 (3) Nothing in this section limits the ability of a defendant to apply for an order under ORS
 39 105.163.

40
 41 **OPERATIVE DATE**
 42

43 **SECTION 22.** The amendments to ORS 2.150, 5.125, 10.050, 10.245, 14.110, 19.235, 19.270,
 44 19.450, 24.125, 25.091, 25.100, 25.110, 34.250, 105.164, 107.097, 107.445, 107.449 and 109.787 by
 45 sections 1 to 5 and 9 to 21 of this 2025 Act become operative on January 1, 2026.

CAPTIONS

SECTION 23. The unit 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.

EMERGENCY CLAUSE

SECTION 24. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.
