

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Oregon Law Commission)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2460**

1 On page 3 of the printed bill, delete lines 36 and 37 and insert:

2 “(b) In a case that is transferred under this subsection in which the de-
3 fendant is charged with only a violation, the filing fee described in ORS
4 21.135 and the process described in section 10a (1)(b) and (c) of this 2025 Act
5 apply.”.

6 On page 5, after line 25, insert:

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

10 On page 6, line 30, delete “of” and insert “or”.

11 In line 43, after “(1)” insert “(a)”.

12 In line 44, after the comma insert “including the failure to include a claim
13 in the notice of appeal if required by section 9 (1)(i) of this 2025 Act,”.

14 On page 7, after line 1, insert:

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

19 In line 2, delete “and for trial” and insert “for trial or hearing”.

20 Delete lines 20 through 24 and insert:

21 “(3) Notwithstanding subsection (2) of this section, in its discretion and

1 for good cause, the circuit court may render such judgment as may be proper,
2 which may include remanding the case to the justice court for further pro-
3 ceedings in accordance with the decision of the circuit court.”.

4 On page 8, line 4, after “judgment” insert “or order” in both places.

5 On page 9, line 5, after “court” delete the rest of the line and insert “.
6 If the defendant has included a claim of legal error in the notice of appeal
7 as required by section 9 (1)(i) of this 2025 Act, the circuit court shall sen-
8 tence the defendant anew without determining whether the justice court
9 erred.”.

10 In line 12, after “judgment” insert “or order”.

11 In line 14, after “judgment” insert “or order”.

12 In line 15, after “judgment” insert “or order”.

13 In line 16, after “judgment” insert “or order” in both places.

14 On page 19, delete lines 7 and 8 and insert:

15 “(b) In a case that is transferred under this subsection in which the de-
16 fendant is charged with only a violation, the filing fee described in ORS
17 21.135 and the process described in section 40a (1)(b) and (c) of this 2025 Act
18 apply.”.

19 In line 10, after the second “case” insert “had been”.

20 On page 20, after line 19, insert:

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

24 On page 21, line 34, after “(1)” insert “(a)”.

25 In line 35, after the comma insert “including the failure to include a claim
26 in the notice of appeal if required by section 39a (1)(i) of this 2025 Act,”.

27 After line 37, insert:

28 “(b) The circuit court shall not assess the merits of a claim made pursu-
29 ant to section 39a (1)(i) of this 2025 Act. If, in violation of this paragraph,
30 the circuit court dismisses an appeal based on an assessment of such a claim,

1 and notwithstanding ORS 138.035, the appellant may appeal the dismissal.”.

2 In line 38, delete “and for trial” and insert “for trial or hearing”.

3 On page 22, delete lines 11 through 15 and insert:

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

8 In line 41, after “judgment” insert “or order” in both places.

9 On page 23, line 38, delete “state or the city” and insert “prosecution”.

10 On page 24, line 17, after “court” delete the rest of the line and insert
11 “. If the defendant has included a claim of legal error in the notice of appeal
12 as required by section 39a (1)(i) of this 2025 Act, the circuit court shall
13 sentence the defendant anew without determining whether the municipal
14 court erred.”.

15 In line 24, after “judgment” insert “or order”.

16 In line 26, after “judgment” insert “or order”.

17 In line 27, after “judgment” insert “or order”.

18 In line 28, after “judgment” insert “or order” in both places.

19 On page 25, line 41, delete “under sections 39 to 51 of this 2025 Act”.

20 On page 26, line 12, after “Appeals” insert a colon and delete the rest of
21 the line and line 13.

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