

Requested by Representative MANNIX

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2306**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and delete line 3 and insert “51.020 and 106.120.”.

3 Delete lines 5 through 24 and delete pages 2 through 9 and insert:

4 **“SECTION 1.** ORS 51.020 is amended to read:

5 “51.020. (1) The county court or board of county commissioners of every  
6 county may set off and establish, or modify the boundaries of, justice of the  
7 peace districts within the county. No more than six justice of the peace  
8 districts shall be set off or established or permitted to remain in existence  
9 within any county. Except in the counties of Baker, Crook, Gilliam, Grant,  
10 Harney, **Marion**, Morrow, Sherman, Tillamook and Wheeler, a justice of the  
11 peace district may not include any portion of the city that is the county seat  
12 for the county or any portion of a city in which a circuit court regularly  
13 holds court. In the counties of Baker, Gilliam, Grant, Harney, Morrow,  
14 Sherman, Tillamook and Wheeler, a justice of the peace district in existence  
15 on January 15, 1998, may include any portion of the city that is the county  
16 seat for the county, or any portion of a city in which a circuit court regu-  
17 larly holds court, until such time as the justice court ceases to provide ju-  
18 dicial services within the county seat or city. If the justice court ceases to  
19 provide judicial services within the county seat or city, the district that in-  
20 cludes portions of the county seat or city shall cease to exist and may not  
21 thereafter be reestablished.

1       “(2) At the time that the county court or board of county commissioners  
2 of a county sets off and establishes the boundaries of a justice of the peace  
3 district, the county court or board of county commissioners may require as  
4 a qualification for the office that a person serving as justice of the peace in  
5 the district be a member of the Oregon State Bar.

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

15       “**SECTION 2.** ORS 106.120 is amended to read:

16       “106.120. (1) As used in this section:

17       “(a) ‘Judicial officer’ means:

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

21       “(B) An active judge of a federal court.

22       “(C) An active United States magistrate judge.

23       “(b) ‘Secular organization’ means an organization that occupies a place  
24 in the lives of the organization’s members parallel to that filled by a church  
25 or particular religious authority.

26       “(2) Marriages may be solemnized by:

27       “(a) A judicial officer;

28       “(b) A county clerk;

29       “(c) Religious congregations or organizations as indicated in ORS 106.150  
30 (2);

1 “(d) A clergyperson of any religious congregation or organization who is  
2 authorized by the religious congregation or organization to solemnize mar-  
3 riages;

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

5 “(f) A celebrant or officiant of any secular organization described in  
6 paragraph (e) of this subsection who is authorized by the secular organiza-  
7 tion to solemnize marriages.

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

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

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

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

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

19 “(B) The marriage is solemnized in court facilities or a county clerk’s  
20 office; or

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

23 “(d) The Chief Justice of the Supreme Court or the county clerk may es-  
24 tablish a written procedure for waiver of the fee required under this sub-  
25 section in exigent circumstances, including but not limited to indigency of  
26 the parties to the marriage.

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

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

3       “[(b)] (B) Outside of the judicial officer’s or county clerk’s normal work-  
4 ing hours.

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

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

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

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

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

30       “(8) A judicial officer of this state or a county clerk shall maintain re-

1 cords of the amount of personal payments received for performing marriages,  
2 of actual costs and the supporting documentation related thereto for a period  
3 of four years.

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

9 **“SECTION 3. The amendments to ORS 106.120 by section 2 of this**  
10 **2025 Act apply to marriages solemnized on or after the effective date**  
11 **of this 2025 Act.”.**

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