

JUDICIAL ADMINISTRATION

**JUSTICE COURT FEES AND
ADMINISTRATION; MATERIAL WITNESSES
ORS 51.310, 52.410, 53.090,
55.130****2015 OREGON LAWS CH. 623 (HB 2316)**

House Bill 2316 changed several sections of statutes relating to justice court fees, administration of justice and municipal courts, and recording requirements for proceedings in those courts. Additionally, the measure provides an avenue for deposition of a material witness within ORS 136.600 *et. seq.*

HB 2316 increases a variety of fees charged by a Justice of the Peace. For example, the first appearance of the parties will increase from \$40 to \$90. Fees for filing a small claim will increase from \$28 to \$35 in 2015, and from \$35 to \$37 in 2018. Small fees for taking affidavits or taking depositions are removed. Trial fees for small claims trials are prohibited. Other trial fees are increased to \$100 per day, payable by the plaintiff.

Additionally, HB 2316 creates a process for taking the deposition testimony of a material witness. The petition for deposition must be granted or denied within 30 days of filing. The amendment specifies that the deposition of a material witness does not invalidate or otherwise affect the material witness order, but may be considered in connection with an application to vacate or modify an order.

Finally, HB 2316 revises provisions of HB 3399 dealing with recording of proceedings

within municipal and justice courts. The measure augments the audio recording allowed in HB 3399 to also include recording through stenographic or others means.

Effective dates: The sections of HB 2316 relating to court fees took effect on October 1, 2015, with an additional increase scheduled for January 1, 2018. The sections relating to material witnesses took effect on July 1, 2015, and the sections relating to recording in municipal and justice courts took effect on January 1, 2016.

**INTERPRETERS FOR VICTIMS IN ALL
CRITICAL STAGES OF PROCEEDING
ORS 45.275 TO 45.285, 419C.285
2015 OREGON LAWS CH. 155 (HB 2339)**

House Bill 2339 extends the requirement under ORS 45.275 to 45.285 that courts appoint interpreters in certain circumstances to non-English-speaking or disabled victims when those victims are seeking to exercise their rights under the Oregon Constitution but are not parties or witnesses.

Article I, Section 42 of Oregon's Constitution grants certain rights to crime victims, including the right to be present at all critical stages of the criminal prosecution and to be heard at the pre-trial release hearing and sentencing. A "critical stage" of a proceeding is defined in ORS 147.500 and includes release hearings, preliminary hearings, hearings on motions and petitions, entry of pleas, trials, restitution hearings, sentencing, probation

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violation hearings, or any other stage of the proceeding the court determines is a critical stage.

Prior to HB 2339, courts were not expressly authorized to appoint interpreters or provide assistive listening devices for victims unless the victim was a party or witness.

Effective date: May 26, 2015. The amendments apply only to proceedings occurring on or after the effective date.

**PROTECTION OF INFORMATION IN
COURT DOCUMENTS
ORS 18.042, 18.048, 18.170,
25.020, 109.073
2015 OREGON LAWS CH. 197 (HB 2340)**

House Bill 2340 restricts identifying information available in court documents, such as Social Security numbers, tax payer identification numbers, and driver license numbers, to only the last four digits of those numbers. Additionally, if a restitution or compensatory fine is ordered by a court, only the name of the person will be included, not the address.

Effective date: June 2, 2015. Most provisions took effect on January 1, 2016. For additional information about this bill, please see Domestic Relations.