

CHAPTER 10

AN ACT SB 1006
[2002 First Special Session]

Relating to courts; creating new provisions; amending ORS 1.060, 10.061, 10.065, 174.120 and 174.125 and section 2, chapter 823, Oregon Laws 2001, and ORCP 10 A; and declaring an emergency.

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

SECTION 1. (1) Notwithstanding ORS 1.305, the term of the persons elected to the circuit court judge positions created in the fourth, eleventh and twentieth judicial districts by the amendments to ORS 3.012 by section 1, chapter 823, Oregon Laws 2001, shall commence on June 30, 2003.

(2) If at any time after June 30, 2003, a person is appointed by the Governor to fill a vacancy in a circuit court judge position created in the fourth, eleventh or twentieth judicial district by the amendments to ORS 3.012 by section 1, chapter 823, Oregon Laws 2001, the person thereafter elected to fill the position shall commence a term of office on the day specified by ORS 1.305.

SECTION 2. Section 2, chapter 823, Oregon Laws 2001, is amended to read:

Sec. 2. The amendments to ORS 3.012 by section 1, chapter 823, Oregon Laws 2001, [of this 2001 Act] become operative on the first Monday in January 2003, except that the provisions for new circuit court judges are operative on [the effective date of this 2001 Act] **July 20, 2001**, for the purposes of nominating and electing new judges in 2002 [to assume the duties of the office on the first Monday in January 2003].

SECTION 3. ORS 10.061 is amended to read:

10.061. (1) The fee of jurors in courts other than circuit courts is \$10 for each [day's required attendance] **day that a juror is required to attend.**

(2)(a) The fee of jurors for the first two days of required attendance in circuit court during a term of service is \$10 for each [day's required attendance] **day that a juror is required to attend.**

(b) The fee of jurors for the third and subsequent days of required attendance in circuit court during a term of service is [the lesser of \$50 or an amount equal to the number of hours served multiplied by the minimum hourly wage established under ORS 653.025] **\$25 for each day that a juror is required to attend.**

[c) Subject to the \$50 limitation imposed by paragraph (b) of this subsection, a juror who appears for a third or subsequent day of required attendance in circuit court must be paid for at least four hours multiplied by the minimum hourly wage established under ORS 653.025, and the juror must be paid for eight hours multiplied by the minimum hourly wage

established under ORS 653.025 if attendance is required for more than four hours.]

(3) Unless otherwise provided by the terms of an employment agreement, a juror must waive the juror's fee provided for in subsection (1), (2) or (4) of this section if the juror is paid a wage or salary by the juror's employer for the days that the juror is required to attend a court, including a municipal or justice court. The provisions of this subsection do not affect any claim a juror may have for mileage reimbursement under ORS 10.065.

(4) In addition to the fees and mileage prescribed in subsection (1) of this section and ORS 10.065 for service in a court other than a circuit court, the governing body of a city or county may provide by ordinance for an additional juror fee and for city or county reimbursement of jurors for mileage and other expenses incurred in serving as jurors in courts other than circuit courts.

SECTION 4. ORS 10.065 is amended to read:

10.065. (1) In addition to the fees prescribed in ORS 10.061, a juror who is required to travel from the juror's usual place of abode in order to execute or perform service as a juror in a court other than a circuit court shall be paid mileage at the rate of eight cents a mile for travel in going to and returning from the place where the service is performed.

(2) In addition to the fees prescribed in ORS 10.061, a juror who is required to travel [more than 10 miles each way] from the juror's usual place of abode in order to execute or perform service as a juror in a circuit court shall be paid mileage **at the rate of 20 cents a mile** for travel in going to and returning from the place where the service is performed. [The mileage payment may be based on actual costs of travel or on the rate established by the Oregon Department of Administrative Services under ORS 292.250 for reimbursement for use of a privately owned motor vehicle on official business.] Mileage paid to a juror shall be based on the shortest practicable route between the juror's residence and the place where court is held.

(3) In addition to the fees prescribed in ORS 10.061, the State Court Administrator may reimburse a juror who uses public transportation to travel from the juror's usual place of abode in order to execute or perform service as a juror in a circuit court, without regard to the distance traveled by the juror.

(4) In addition to the fees prescribed in ORS 10.061, a juror serving in circuit court may be paid for lodging expenses, dependent care expenses and other reasonable expenses that arise by reason of jury service. Expenses under this subsection may be paid only upon written request of the juror, made in such form and containing such information as may be required by the State Court Administrator. The State Court Administrator shall establish policies and procedures on eligibility, authorization and payment of expenses under this subsection. Payment of expenses under this subsection is subject to availability of funds for the payment.

(5) A juror shall be paid the mileage and other expenses provided for in this section for each day's attendance at court.

(6) The State Court Administrator shall establish policies and procedures on eligibility, authorization and payment of mileage and expenses under subsections (2) to (4) of this section.

SECTION 5. The amendments to ORS 10.061 and 10.065 by sections 3 and 4 of this 2002 Act apply only to jury service performed on or after April 1, 2002.

SECTION 6. ORS 174.120 is amended to read:

174.120. (1) *[Except as otherwise provided in ORCP 10,]* The time within which an act is to be done, as provided in the civil and criminal procedure statutes, is computed by excluding the first day and including the last unless the last day falls upon any legal holiday or on Saturday, in which case the last day is also excluded.

(2) **For the purposes of the determining whether a person has complied with a statutory time limitation governing an act to be performed in a circuit court, the Oregon Tax Court, the Court of Appeals or the Supreme Court, the time prescribed by law for the performance of the act does not include the day on which the specified period begins to run. The designated period does include the last day unless the last day is:**

(a) A legal holiday or Saturday;

(b) A day on which the court is closed for the purpose of filing pleadings and other documents;

(c) A day on which the court is closed by order of the Chief Justice, to the extent provided by the order; or

(d) A day on which the court is closed before the end of the normal hours during which pleadings and other documents may be filed.

(3) **If the last day of a designated period is excluded under the provisions of subsection (2) of this section, the act must be performed on the next day that the court is open for the purpose of filing pleadings and other documents.**

(4) **The provisions of subsections (2) and (3) of this section apply to time limitations established by statutes of limitation and other procedural statutes governing civil and criminal proceedings.**

SECTION 7. ORS 1.060 is amended to read:

1.060. (1) Except as provided in subsection (2) of this section, the courts of justice may be held and judicial business transacted on any day.

(2) On any legal holiday in this state no court may be open or transact any judicial business for any purpose except:

(a) To give instructions to a jury then deliberating upon its verdict;

(b) To receive the verdict of a jury, or to discharge a jury in case of its inability to agree upon a verdict; or

(c) For the exercise of the powers of a magistrate in criminal actions or proceedings of a criminal nature.

(3) Except to the extent provided by the order, a court may not be open or transact judicial business for any purpose when the court is closed by an order of the Chief Justice.

SECTION 8. ORS 174.125 is amended to read:

174.125. Notwithstanding ORCP 10 and ORS 174.120 (1), if a time period is prescribed or allowed for personal service of a document or notice on a public officer or the filing of a document or notice with a public office, **other than a time period subject to ORS 174.120 (2)**, and if the last day falls on a day when that particular office is closed before the end of or for all of the normal work day, the last day shall be excluded in computing the period of time within which the document or notice is to be filed. If the last day is so excluded, the time period runs until the close of office hours on the next day the office is open for business.

SECTION 9. ORCP 10 A is amended to read:

A Computation. In computing any period of time prescribed or allowed by these rules, by the local rules of any court[,] or by order of court, [*or by any applicable statute,*] the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or a legal holiday, including Sunday, in which event the period runs until the end of the next day which is not a Saturday or a legal holiday. If the period so computed relates to serving a public officer or filing a document at a public office, and if the last day falls on a day when that particular office is closed before the end of or for all of the normal work day, the last day shall be excluded in computing the period of time within which service is to be made or the document is to be filed, in which event the period runs until the close of office hours on the next day the office is open for business. When the period of time prescribed or allowed (without regard to section C of this rule) is less than 7 days, intermediate Saturdays and legal holidays, including Sundays, shall be excluded in the computation. As used in this rule, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020. **This section does not apply to any time limitation governed by ORS 174.120.**

SECTION 10. The amendments to ORS 174.120 by section 6 of this 2002 Act apply only to acts performed in courts on or after the effective date of this 2002 Act.

SECTION 11. This 2002 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is de-

**clared to exist, and this 2002 Act takes effect on
its passage.**

Approved by the Governor February 25, 2002
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