

# 2021 LEGISLATIVE SUMMARY REPORT

## COURTS



This Legislative Summary Report highlights Courts policy measures that received a public hearing during the 2021 Regular Legislative Session. The report includes the measure number; the measure status: enacted [ ✓ ] or not enacted [ ✗ ]; and a brief description of the measure.

- SB 181 ✓ Requires court to consider whether attorney provided legal services on a pro bono basis or whether award of attorney fees promotes access to justice when determining amount of award of attorney fees.
- SB 188 ✓ Allows proceeding to be returned to Multnomah County Circuit Court in Gresham from Portland court upon motion of any party if accused person is not in custody and all warrants have been vacated or executed. Clarifies that state traffic felony offenses will be transferred to Portland court. Clarifies that misdemeanor and other violations may be heard at Gresham court location.
- SB 193 ✓ Removes statutory cap on noneconomic damages for claims for bodily injury. Retains cap on noneconomic damages for wrongful death. Requires jury in a criminal action to render a verdict of guilty only by unanimous agreement and a verdict of not guilty only by a concurrence of at least 10 of 12 jurors.
- SB 218 ✓ Expands the cases for which a court may defer further proceedings to include any misdemeanor or Class C felony if defendant has been accepted into specialty court.
- SB 298 ✓ Makes technical statutory changes to: update party roles in civil stalking statutes; modify process for sex offender relief petitions; allow simultaneous hearings for change of sex and change of name requests; and clarify child support judgment findings.
- SB 566 ✓ Removes the term “mentally defective” and instead states that a person is incapable of consent if the person is incapable of appraising the nature of their conduct. Provides specific factors for the trier of fact to consider in evaluating a person's ability to appraise the nature of their conduct.
- SB 767 ✓ Modifies small claims court provisions that apply to justice courts.
- HB 2048 ✓ Requires the court to provide the Department of Corrections with a copy of all orders setting aside convictions.

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**Courts, cont'd**

- HB 2176 ✓ Removes the minimum \$50 fee added to judgments that will be collected by the court through payment plans and allows settling of portions of a judgment that are not restitution or compensatory fine.
- HB 2177 ✗ Would have allowed the Chief Justice to collect a state court technology service fee from counties in which the district attorney files 500 or more felony cases per year and bases that fee on the number of felony or misdemeanor cases filed in the circuit court of that county. Specified that fees may not be more than \$102. Required collected fees be deposited into State Court Technology Fund.
- HB 2239 A ✗ Would have established a centralized veterans treatment court to provide access to eligible veterans in counties without an existing veterans court.
- HB 2539 ✓ Prohibits jurors from being identified by name during a court proceeding open to the public.
- HB 2547 A ✗ Would have directed the State Court Administrator to study ways to improve and increase trauma-informed procedural justice.
- HB 2852 A ✗ Would have allowed courts to make upward deviations from sentencing guidelines in criminal matters if it is determined that a defendant took advantage of an emergency situation caused by a natural disaster or the recovery effort afterward.
- HB 2998 ✗ Would have narrowed ORS 14.250 by only allowing a party to move to disqualify a judge when there were more than three circuit court judges in said jurisdiction, and it would have prohibited a prosecuting attorney from moving to disqualify a judge.
- HB 3174 ✗ Would have prohibited courts from publicly displaying images of nudity, unless a court finds good cause.
- HB 3176 ✓ Allows the chief administrative law judge to require an implied consent hearing be conducted by telephone or other electronic communication when the judge determines that an in-person hearing would pose a significant risk to health or safety.