

OLC MJC Limitations on Municipal Appeals Concept
August 19, 2026

1. Clarifying that, generally, the prosecution and the defendant have the right to appeal to the circuit court in prosecutions for both violations and misdemeanors without regard to whether the defendant has challenged the constitutionality of the charged offense.
2. Clarifying that one exception to the right to appeal to the circuit court generally is where the city has barred any appeal from conviction of certain offenses, in which case the defendant may appeal only if the defendant challenged the constitutionality of the offense. Clarifying that, on appeal to the circuit court, the circuit court's scope of review is limited to the constitutionality question.
 - **Open question:** An appeal from a municipal court not of record to a circuit court is de novo, however when there is a city ordinance that limits an appeal from a municipal court not of record to a circuit court for another reason, does that mean the only way to challenge is through a constitutional appeal?
3. Providing that, when a defendant challenges the constitutionality of municipal offenses, the appellate court may review any issue necessary to resolve the constitutional issue and that the constitutional challenge may be facial or as applied (the latter codifying one of the holdings of *Lincoln v. City of Eugene*).
4. Clarifying that, in a prosecution for a violation or misdemeanor defined by city charter or ordinance, a defendant may not appeal any decision of the circuit court to the Court of Appeals except a judgment of conviction and sentence where the defendant challenged the constitutionality of the municipal charter or ordinance provision. Amendments would clarify that the limitation on appeal to the Court of Appeals applies not only to those cases in which the city has barred appeal from convictions of certain offenses, but, rather, applies to convictions of all municipal offenses.
5. Replacing references to the "validity" of municipal offenses to "constitutionality" of such offenses.
6. Clarifying that the city has the right to appeal a municipal court's determination that an offense defined by city charter or ordinance provision to the circuit court is unconstitutional. Clarifying that the city has the right to appeal the circuit court's decision affirming the municipal court's determination to the Court of Appeals.