LC 0072
2027 Regular Session
OLC00-003
09/01/26 (JLM)

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SUMMARY

A BILL FOR AN ACT

Relating to local courts.

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

APPEALS OF VIOLATIONS

SECTION 1. ORS 19.205 is amended to read:

19.205. (1) Unless otherwise provided by law, a limited judgment, general judgment or supplemental judgment, as those terms are defined by ORS 18.005, may be appealed as provided in this chapter. A judgment corrected under ORCP 71 may be appealed only as provided in ORS 18.107 and 18.112.

(2) An order in an action that affects a substantial right, and that effectively determines the action so as to prevent a judgment in the action, may be appealed in the same manner as provided in this chapter for judgments.

(3) An order that is made in the action after a general judgment is entered and that affects a substantial right, including an order granting a new trial, may be appealed in the same manner as provided in this chapter for judgments.

(4) No appeal to the Court of Appeals shall be taken or allowed in any action for the recovery of money or damages only unless it appears from the pleadings that the amount in controversy exceeds $250.

(5) An appeal may be taken from the circuit court in any special statutory proceeding under the same conditions, in the same manner and with like effect as from a judgment or

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order entered in an action, unless appeal is expressly prohibited by the law authorizing the special statutory proceeding.

(6) Nothing in ORS chapter 18 affects the authority of an appellate court to dismiss an appeal or to remand a proceeding to the trial court under ORS 19.270 (4) based on the appellate court's determination that the appeal has not been taken from an appealable judgment or order.

(7) A judgment involving a violation as described in ORS 153.008, entered by a circuit court, or a justice or municipal court that has become a court of record under ORS 51.025 or 221.342, may be appealed under this chapter subject to the provisions of section 3 of this 2027 Act.

SECTION 2. Section 3 of this 2027 Act is added to and made a part of ORS chapter 19.

SECTION 3. (1) If a justice court or municipal court has become a court of record under ORS 51.025 or 221.342, an appeal from a judgment involving a violation shall be as provided in this chapter, except that the standard of review is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony.

(2)(a) Subject to the provisions of this subsection, an appeal from a judgment involving a violation entered by a circuit court may be taken as provided in this chapter.

(b) For the purpose of meeting the requirements imposed by ORS 19.240, the copy of the notice of appeal must be served on:

(A) The city attorney, if the appeal is made by the defendant from a decision initially made in a municipal court.

(B) The district attorney for the county, if the appeal is made by the defendant from a decision initially made in a justice court.

(c) Notwithstanding ORS 19.270, timely service on the city attorney or district attorney under the provisions of this subsection is not jurisdictional and the Court of Appeals may extend the time for that service.

(d) Notwithstanding any provision of this chapter, an undertaking on appeal is not required for an appeal from a judgment involving a violation.

(e)(A) The filing of a notice of an appeal from a judgment involving a violation does not act to automatically stay the judgment.

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(B) Nothing in this paragraph is intended to affect the authority of the circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any other authority.

(f) The standard of review for an appeal under this subsection is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony.

(g) In any case in which only violations are charged, the state may not appeal from an order dismissing the case that is entered by reason of a police officer's failure to appear at the trial of the matter if the police officer was timely provided with notice of the trial date.

SECTION 4. ORS 55.150 is amended to read:

55.150. (1) If a justice court has become a court of record under ORS 51.025:

(a) An appeal in a proceeding involving a violation shall be taken to the Court of Appeals as provided in [*ORS 138.057*] **ORS chapter 19 for appeals from judgments entered by circuit courts, subject to the provisions of section 3 of this 2027 Act**.

(b) An appeal in a proceeding involving a misdemeanor shall be taken to the Court of Appeals as provided in ORS 138.010 to 138.310 for appeals from a circuit court.

(c) An appeal in a civil action shall be taken to the Court of Appeals as provided in ORS chapter 19 for appeals from a circuit court.

(2) If a justice court has not become a court of record under ORS 51.025, an appeal from a proceeding involving a violation or misdemeanor or a civil action shall be taken to the circuit court of the county in which the justice court is located and in the manner provided in ORS 52.815, 52.820 and 55.160 to 55.335.

SECTION 5. ORS 55.285 is amended to read:

55.285. (1) Upon entry by the circuit court of an order or judgment:

(a) In a matter involving a violation, the order or judgment may be appealed as provided in [*ORS 138.057*] **ORS chapter 19, subject to the provisions of section 3 of this 2027 Act**.

(b) In a matter involving a misdemeanor, the order or judgment may be appealed as provided in ORS 138.010 to 138.310.

(2) In any case in which only a violation or violations are charged, the state may not appeal from an order dismissing the case that is entered by reason of a police officer's failure to

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appear at the trial on the matter if the police officer was timely provided with notice of the trial date.

SECTION 6. ORS 153.121 is amended to read:

153.121. An appeal from a judgment in a violation proceeding may be taken by either party as follows:

(1) From a proceeding in justice court or municipal court **that has not become a court of record under ORS 51.025 or 221.342**, **the appeal may be taken to the circuit court for the county in which the court is located** as provided in [*ORS 138.057 for appeals of violations*] **ORS 55.160 to 55.335 for a justice court, or ORS 221.369 to 221.407 for a municipal court, and no undertaking shall be required of the party filing a notice of appeal**.

(2) From a proceeding in circuit court**, or a justice court or municipal court that has become a court of record under ORS 51.025 or 221.342**, as provided in ORS chapter 19, [*except that the standard of review is the same as for an appeal from a judgment in a proceeding involving a misdemeanor or felony*] **subject to the provisions of section 3 of this 2027 Act**.

SECTION 7. ORS 221.367 is amended to read:

221.367. (1) If a municipal court has become a court of record under ORS 221.342:

(a) An appeal in a proceeding involving a violation shall be taken to the Court of Appeals as provided in [*ORS 138.057*] **ORS chapter 19 for appeals from judgments entered by circuit courts, subject to the provisions of section 3 of this 2027 Act**.

(b) An appeal in a proceeding involving a misdemeanor shall be taken to the Court of Appeals as provided in ORS 138.010 to 138.310 for appeals from a circuit court.

(2) If a municipal court has not become a court of record under ORS 221.342, an appeal shall be taken to the circuit court of the county in which the municipal court is located and in the manner provided in ORS 221.369 to 221.407.

SECTION 8. ORS 221.405 is amended to read:

221.405. (1) Whenever a defendant is charged with violating a provision of a city charter or ordinance and the defendant challenges the validity of the charter or ordinance provision, a municipal judge shall determine such issue and enter an order thereon before deciding the case on its merits.

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(2) If the municipal judge declares the charter or ordinance provision invalid, the city may appeal from the municipal court to the circuit court. If the circuit court affirms the municipal court's determination, the city may appeal to the Court of Appeals as provided in [*ORS 138.057*] **ORS chapter 19, subject to the provisions of section 3 of this 2027 Act,** in a proceeding involving a violation, or as provided in ORS 138.010 to 138.310 in a proceeding involving a misdemeanor. If a city so appeals, while the appellate decision is pending, the defendant shall be released, with or without bond, for reappearance at the discretion of the trial court until such time as the case is remanded.

(3) If the municipal court declares the charter or ordinance provision valid, the municipal court may proceed to try the matter. If the municipal court convicts the defendant of violating the charter or ordinance provision, the defendant may appeal the judgment of conviction as provided in ORS 221.407.

SECTION 9. ORS 221.407 is amended to read:

221.407. (1)(a) The state or a city may appeal an order or judgment of the circuit court to the Court of Appeals:

(A) In a proceeding involving a violation, as provided in [*ORS 138.057*] **ORS chapter 19, subject to the provisions of section 3 of this 2027 Act**.

(B) In a proceeding involving a misdemeanor, as provided in ORS 138.010 to 138.310.

(b) In any case in which only a violation or violations are charged, the state may not appeal from an order dismissing the case that is entered by reason of a police officer's failure to appear at the trial on the matter if the police officer was timely provided with notice of the trial date.

(2)(a) If the order or judgment of the circuit court being appealed arises from a violation or misdemeanor defined by state law or a traffic crime as defined in ORS 801.545, the defendant may appeal the order or judgment to the Court of Appeals:

(A) In a proceeding involving a violation, as provided in [*ORS 138.057*] **ORS chapter 19, subject to the provisions of section 3 of this 2027 Act**.

(B) In a proceeding involving a misdemeanor, as provided in ORS 138.010 to 138.310.

(b) The defendant may appeal an order or judgment arising from a violation or misdemeanor defined by city charter or ordinance as provided in ORS 221.389 (5) and (6).

(3)(a) The filing of a notice of an appeal from a judgment involving a violation does not

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act to automatically stay the judgment.

(b) Nothing in this section is intended to affect the authority of the municipal court or circuit court to stay enforcement of the judgment under ORS 19.350, 138.285 or 138.295 or any other authority.

SECTION 10. ORS 138.057 is repealed.

CAPTIONS

SECTION 11. The unit and section captions used in this 2027 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2027 Act.

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