

CRIMINAL LAW REVISION COMMISSION

Criminal Procedure Reference Paper

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SURVEY OF OREGON JUSTICE COURT STATUTES

November 1971

I. INTRODUCTION:

This paper is for the purpose of assisting the Commission in determining whether or not to attempt a revision of the justice court criminal procedure statutes. We have merely located and identified the existing statutes, and have not examined their content in detail. Most of the relevant statutes are contained in ORS chapters 51, 156 and 157; a total of 82 statutes relating to justice court criminal procedure, including a few miscellaneous provisions in other chapters.

The procedure sections in chapter 156 (e.g., 156.010, 156.040) incorporate a couple of general references to other statutes, and in many other instances refer specifically to other statutes. One must look to statutes outside chapter 156 for the meaning of certain provisions in the chapter. For example, ORS 156.100 provides for change of venue in criminal cases in accordance with the civil trial change of venue provisions of ORS 52.530 - .550.

Many of the justice court criminal procedure provisions apply equally to district court by operation of ORS 156.610. Appeals to circuit court from district court are governed generally by the justice court appeal provisions through ORS 157.080. The district court appeal procedure would be changed completely, however, by Senate Bill 450, making district court a

court of record, which was enacted by the 1971 Legislature (Ch. 623, Oregon Laws 1971). The new provisions will become effective on July 1, 1973, provided that a constitutional amendment allowing six-man juries in inferior courts is approved by the people at the 1972 general election.

II. LIST OF EXISTING STATUTES:

- 51.040 Criminal jurisdiction over specified crimes
- 51.050 Criminal jurisdiction in counties with or without district courts
- 51.060 Concurrent criminal jurisdiction with circuit courts
- 51.070 Crimes triable in justice's court
- 51.340 Monthly report of fines collected
- 51.350 Reports in Multnomah County of fines and forfeited bails
- 51.360 Reports in Clackamas County of fines and forfeited bails
- 52.530 Change of place of trial
- 52.540 Disbursements for change of venue
- 52.550 When change of venue deemed complete
- 53.010 When appeal allowable
- 53.020 Court to which appeal lies
- 53.030 Manner of taking appeal
- 53.040 Requisites of undertaking
- 54.050 Qualification of jurors
- 54.060 Making of jury lists
- 54.070 Number of names on list; dating, signing, filing

- 54.080 Making list after time prescribed
- 54.090 Justice not in office or present when list was made must procure and file copy thereof
- 54.100 Jury box; depositing ballots therein
- 54.110 Selection of jury from jury list
- 54.120 Manner of drawing jury panel
- 54.130 Names drawn which are not entered on list of panel
- 54.140 Selection of jury by striking names from the panel
- 54.150 Order for jury
- 54.160 Jurors failing to attend may be fined
- 156.010 Criminal procedure statutes govern generally
- 156.020 Filing complaint by private person as commencement of action
- 156.030 Complaint is deemed an indictment to determine sufficiency
- 156.040 Security for costs
- 156.050 When warrant of arrest issues; citation in lieu of arrest
- 156.060 Issuance, requisites, execution and return of warrant of arrest
- 156.070 Reading complaint to defendant; defendant to plead
- 156.080 Defendant's plea; refusal to plead
- 156.090 Action to be tried within one day unless continued
- 156.100 Change of place of trial
- 156.110 Trial by court or jury
- 156.120 Injured person must appear or be subpoenaed
- 156.130 Demand for and selection of jury
- 156.140 Rendition and entry of verdict on docket
- 156.150 Trial fee in justice's court

- 156.160 Necessity of prepayment of trial fee; payment thereof
- 156.210 Judgment on plea of guilty or conviction
- 156.220 Form of entry of judgment of conviction
- 156.230 Certified transcript of judgment to be filed with county clerk
- 156.240 Judgment entry and transcript as evidence
- 156.250 Execution of judgment of conviction
- 156.260 Copy of entry of judgment deemed execution for fine and costs
- 156.270 Discharge of defendant upon finding him not guilty
- 156.280 Entry that prosecution was malicious or without probable cause
- 156.290 Judgment against complainant for costs and disbursements
- 156.300 Enforcement of judgment against complainant
- 156.310 Payment of fine and costs by defendant
- 156.410 When defendant may be admitted to bail
- 156.420 Form of undertaking of bail
- 156.430 Qualifications and justification of bail
- 156.440 Commitment of defendant on failure to give bail
- 156.450 Form of commitment
- 156.460 How commitment is executed
- 156.510 Proceeding when crime is not within jurisdiction of justice
- 156.520 Right of district attorney to prosecute, attend examinations and control proceedings
- 156.530 Disposition of money paid on judgment
- 156.610 Criminal procedure in district courts generally
- 156.620 Challenge of jurors

- 156.630 Reporter
- 156.640 Fees, costs and disbursements in counties other than Multnomah
- 156.650 Disposition of fines and forfeited bail
- 157.010 Appeal to circuit court from justice's court
- 157.020 Who may appeal; appealable judgments
- 157.030 Time and manner of taking appeal
- 157.040 Justice's duty as to making and delivering transcript
- 157.050 Appeal as stay of proceedings; undertaking of bail on appeal
- 157.060 When appeal is perfected; amendment of pleadings in appellate court
- 157.065 Powers of appellate court
- 157.070 Writ of review in criminal actions
- 157.080 Appeal to circuit court from district court
- 1.002 Administrative supervision by Supreme Court over other courts
- 3.150 Transfer of juvenile and domestic matters from district and justice courts in Marion County to circuit court
- 3.270 Transfer of juvenile jurisdiction and jurisdiction over family-related matters to circuit courts
- 133.030 Justice of the peace as a magistrate
- 133.625 Court appointment of counsel; justice court recommendations
- 133.820 Holding defendant to answer; authority of magistrate
- 137.210 Justice court and malicious prosecution
- 145.020 Dispersal of unlawful or riotous assemblages
- 484.030 Jurisdiction of courts in re traffic offenses
- 496.715 Disposition of fines; game and fish law violation

506.630 Disposition of fines; commercial fishing law violation

678.166 Justice court jurisdiction over nurses

Ore. Const. Art IV,

Sec. 23 Legislature shall not pass special or local laws;  
- Regulating the jurisdiction and duties of the justice  
of the peace.  
- Regulating the practice in courts of justice.