

A-Engrossed
House Bill 2336

Ordered by the House March 13
Including House Amendments dated March 13

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows filing and service of notice of appeal by mailing **or dispatch** for delivery within three calendar days via United States Postal Service or commercial delivery service.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to notices of appeal; creating new provisions; amending ORS 19.260; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 19.260 is amended to read:

6 19.260. (1)(a) Filing a notice of appeal in the Court of Appeals or the Supreme Court may be
7 accomplished by mail **or delivery**. **Regardless of the date of actual receipt by the court to**
8 **which the appeal is taken**, the date of filing [*such notice shall be*] **the notice** is the date of
9 mailing[, *provided it*] **or dispatch for delivery, if the notice** is:

10 (A) Mailed by registered or certified mail and the party filing the notice has proof from the [*post*
11 *office*] **United States Postal Service** of [*such*] **the mailing date**[:]; **or**

12 (B) **Mailed or dispatched via the United States Postal Service or a commercial delivery**
13 **service by a class of delivery calculated to achieve delivery within three calendar days, and**
14 **the party filing the notice has proof from the United States Postal Service or the commercial**
15 **delivery service of the mailing or dispatch date.**

16 (b) Proof of **the date of mailing** [*shall*] **or dispatch under this subsection must** be certified
17 by the party filing the notice and filed thereafter with the court to which the appeal is taken. **Any**
18 **record of mailing or dispatch from the United States Postal Service or the commercial de-**
19 **livery service showing the date that the party initiated mailing or dispatch is sufficient proof**
20 **of the date of mailing or dispatch.** If the notice is received by the court on or before the date by
21 which [*such*] **the notice** is required to be filed, the party filing the notice is not required to file proof
22 of mailing **or dispatch**.

23 (2)(a) Service of notice of appeal on a party, transcript coordinator or the trial court adminis-
24 trator, or service of a petition for judicial review on a party or administrative agency may be ac-
25 complished by:

26 (A) First class, registered or certified mail[:]; **or**

27 (B) **Mail or dispatch for delivery via the United States Postal Service or a commercial**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **delivery service by a class of delivery calculated to achieve delivery within three calendar**
2 **days.**

3 (b) The date of serving [*such notice shall be*] **the notice under this subsection is the date of**
4 **mailing or dispatch.** [*Proof of mailing shall be certified by the party filing the notice and filed there-*
5 *after with the court to which the appeal is taken.*] **The party filing the notice must certify the date**
6 **and method of service.**

7 (3) Notwithstanding subsections (1) and (2) of this section, if the party filing a notice of appeal
8 is involuntarily confined in a state or local governmental facility, the date of filing of a notice of
9 appeal in the Court of Appeals or the Supreme Court, and the date of service under subsection (2)
10 of this section, is the date on which the party delivers the original notice of appeal, and the ap-
11 propriate number of copies of the notice for service under subsection (2) of this section, to the per-
12 son or place designated by the facility for handling outgoing mail.

13 (4) Except as otherwise provided by law, the provisions of this section are applicable to petitions
14 for judicial review, cross petitions for judicial review and petitions under the original jurisdiction
15 of the Supreme Court or Court of Appeals.

16 **SECTION 2. The amendments to ORS 19.260 by section 1 of this 2015 Act apply only to**
17 **notices of appeal filed on or after the effective date of this 2015 Act.**

18 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
20 **on its passage.**

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