

HOUSE AMENDMENTS TO HOUSE BILL 2336

By COMMITTEE ON JUDICIARY

March 13

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 5 and insert:

3 “**SECTION 1.** ORS 19.260 is amended to read:

4 “19.260. (1)(a) Filing a notice of appeal in the Court of Appeals or the Supreme Court may be
5 accomplished by mail **or delivery**. **Regardless of the date of actual receipt by the court to**
6 **which the appeal is taken**, the date of filing [*such notice shall be*] **the notice is** the date of
7 mailing[, *provided it*] **or dispatch for delivery, if the notice is:**

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

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

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

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

24 “(A) First class, registered or certified mail[.]; **or**

25 “(B) **Mail or dispatch for delivery via the United States Postal Service or a commercial**
26 **delivery service by a class of delivery calculated to achieve delivery within three calendar**
27 **days.**

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

32 “(3) Notwithstanding subsections (1) and (2) of this section, if the party filing a notice of appeal
33 is involuntarily confined in a state or local governmental facility, the date of filing of a notice of
34 appeal in the Court of Appeals or the Supreme Court, and the date of service under subsection (2)
35 of this section, is the date on which the party delivers the original notice of appeal, and the ap-

1 appropriate number of copies of the notice for service under subsection (2) of this section, to the per-
2 son or place designated by the facility for handling outgoing mail.

3 “(4) Except as otherwise provided by law, the provisions of this section are applicable to pe-
4 titions for judicial review, cross petitions for judicial review and petitions under the original juris-
5 diction of the Supreme Court or Court of Appeals.”

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