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S Y S T E M

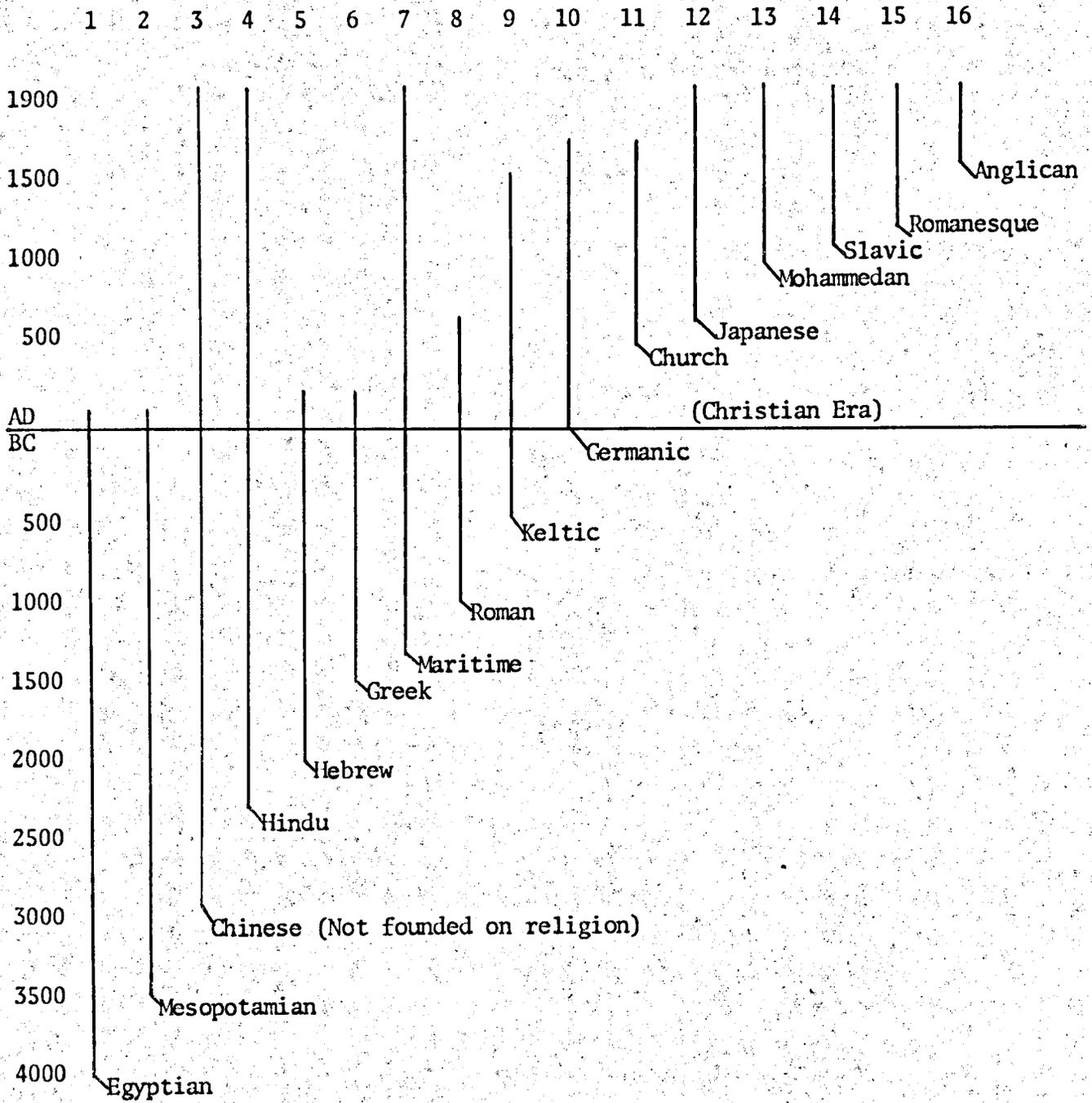
Purpose:

To provide law enforcement officers with a basic working knowledge of Oregon courts, their functions and jurisdictions.

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HISTORY OF COURTS



MUNICIPAL COURT

A. Authority

1. ORS 221.010 to 221.930
2. Charter

a. The people of an area, no part of which lies in an incorporated city and in which 150 persons reside, may incorporate a city by approving at an election called and held according to ORS 221.030 to 221.060 a proposition provided by those sections for incorporating the city.

B. Petition

1. Heard by county court
2. Election by people

C. Appointment of Judge

1. The council of a city created under ORS 221.010 to 221.100 shall appoint a municipal judge and such other officers as it deems necessary for the proper government of the city, who shall be removable at the discretion of the council, receive such compensation as the council approves, and have such powers and duties as the council prescribes.

(Excepting cities over 200,000 population.)

D. Appointment Tenure

1. Two years usually

E. Duties

1. Receive complaints
 - a. From citizens
 - b. From police
 - c. Issue warrants
2. Pass judgment
 - a. Assess fines
 - b. Sentence to jail

F. Limit of Fine and Jail Sentence

1. \$200 fine or 40-day jail sentence

G. Relieved from Duty

1. By will of council
2. By four or more councilmen agreeing

COUNTY COURT

- A. Authority
 - 1. ORS 5.010 to 5.120
- B. Office
 - 1. Term six years
 - 2. Elective - Appointive
 - a. By majority of votes
 - b. Appointment by Governor
 - c. Recommendation by central committee of party held by predecessor
- C. Qualifications
 - 1. No special requirements
- D. Salary
 - 1. Set by county courts
- E. Duties (in counties where no district court has been established, population under 13,000)
 - 1. Juvenile hearings
 - 2. Probate cases except contested cases
 - 3. Mental hearings
 - 4. County business with commissioner
(Other counties)
 - 1. Juvenile hearings only
 - 2. Office discontinued

JUSTICE COURT

- A. Authority
 - 1. ORS 51.010 to 55.140
- B. Office
 - 1. Six-year term
 - 2. Elective - Appointive
 - a. By majority of votes
 - b. Appointment by Governor or county court in case of temporary absence
- C. Qualifications
 - 1. A person shall not be eligible to the office of justice of the peace unless he is a citizen of the United States and an elector of the county, and for a period of not less than six months next preceding his election has been, and then is, a resident of the district wherein he is elected.
 - 2. Bond required
 - 3. Small claims court
 - a. Where claims do not exceed \$100
- D. Duties
 - 1. Criminal cases
 - 2. Civil cases
 - 3. Issues warrants in
 - a. Misdemeanors
 - b. Felonies
 - 4. Preliminary hearings
 - 5. Issues search warrants
- E. Criminal Cases
 - 1. Justice courts have jurisdiction of the following crimes committed or triable in their respective counties:
 - a. Larceny, where the punishment may be imprisonment in the county jail, or by fine.
 - b. Assault, and assault and battery, not charged to have been committed with intent to commit a felony, or in the course of a riot, or with a dangerous weapon, or upon a public officer in the discharge of his duties.
 - c. Any misdemeanor defined and made punishable by ORS 164.430.
 - d. Any misdemeanor defined and made punishable by ORS 166.120, or 166.130.
 - e. Any misdemeanor defined and made punishable by any provision of ORS 164.840, 167.525, and 783.600.
 - f. Any misdemeanor defined and made punishable by ORS 453.320 and subsection (9) of ORS 453.990.

F. Civil Cases

1. A justice court has jurisdiction, but not exclusive, of the following actions:
 - a. For the recovery of money or damages only, when the amount claimed does not exceed \$250.
 - b. For the recovery of specific personal property, when the value of the property claimed and the damages for the detention do not exceed \$250.
 - c. For the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$250.
 - d. Also, to give judgment without action, upon the confession of the defendant for any of the causes specified in this section, except for a penalty or forfeiture imposed by statute.
2. The jurisdiction conferred by ORS 51.080 does not extend, however:
 - a. To an action in which the title to real property shall come in question.
 - b. To an action for false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, or upon a promise to marry.

DISTRICT COURT

A. Authority

1. ORS 46.010 to 46.770

B. Office

1. Elective - Appointive
 - a. By majority of votes
 - b. Appointment by Governor

C. Qualifications

1. No person shall be eligible to the office of district judge in a district court organized under ORS 46.010 unless he is at least 21 years of age, a citizen of the United States, and for three years next preceding his election has resided in the district from which he seeks nomination and election and has been engaged therein either in active practice as an attorney and counselor at law or in the discharge of the duties of a judicial office, and an active member of the Oregon State Bar.

D. Salary

1. Set by State - \$16,500

E. Duties

1. Criminal cases
2. Civil cases
3. Probate hearings - except for certain counties where jurisdiction has been transferred to the circuit court
- *4. Mental hearings - jurisdiction transferred to circuit court - see Chapter 534, Oregon Laws 1967 (Enrolled House Bill 1038) effective July 1, 1967
5. Small claims department
6. Preliminary hearings
7. Issue search and arrest warrants

F. Criminal Cases

1. Except as is otherwise provided in ORS 3.150, district courts shall have the same criminal and quasi criminal jurisdiction as justices' courts, and shall have concurrent jurisdiction with the circuit courts of all misdemeanors committed or triable in their respective counties where the punishment prescribed does not exceed one year's imprisonment in the county jail or a fine of \$3,000, or both such fine and imprisonment.

*Chapter 534, Oregon Laws 1967 (Enrolled House Bill 1038) states that it is legislative policy that family and family-related matters shall be concentrated in the circuit court notwithstanding concurrent jurisdiction over such matters in other courts.

G. Civil Cases

1. The district courts shall have jurisdiction, but not exclusive, in the following cases:
 - a. For the recovery of money or damages only when the amount claimed does not exceed \$2,500. When, in such a case arising out of contract, the ends of justice demand that an account be taken or that the contract or contracts be reformed or canceled, the district court shall have jurisdiction to decree such accounting, reformation or cancelation.
 - b. For the recovery of specific personal property when the value of the property claimed and the damages for the detention do not exceed \$2,500.
 - c. For the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$2,500.
 - d. To give judgment without trial upon the confession of the defendant for any of the causes of action specified in this section, except for a penalty or forfeiture imposed by statute.
 - e. To hear and determine actions of forcible entry and detainer.
 - f. To enforce, marshal and foreclose liens upon personal property where the amount claimed for such liens does not exceed \$2,500, and to render personal judgment therein in favor of any party.
 - g. Actions and proceedings of interpleader and in the nature thereof, when the amount of money or the value of the property involved does not exceed \$2,500.

H. Jury - Six Man Jury

CIRCUIT COURT

- A. Authority
 - 1. ORS 3.011 to 3.570

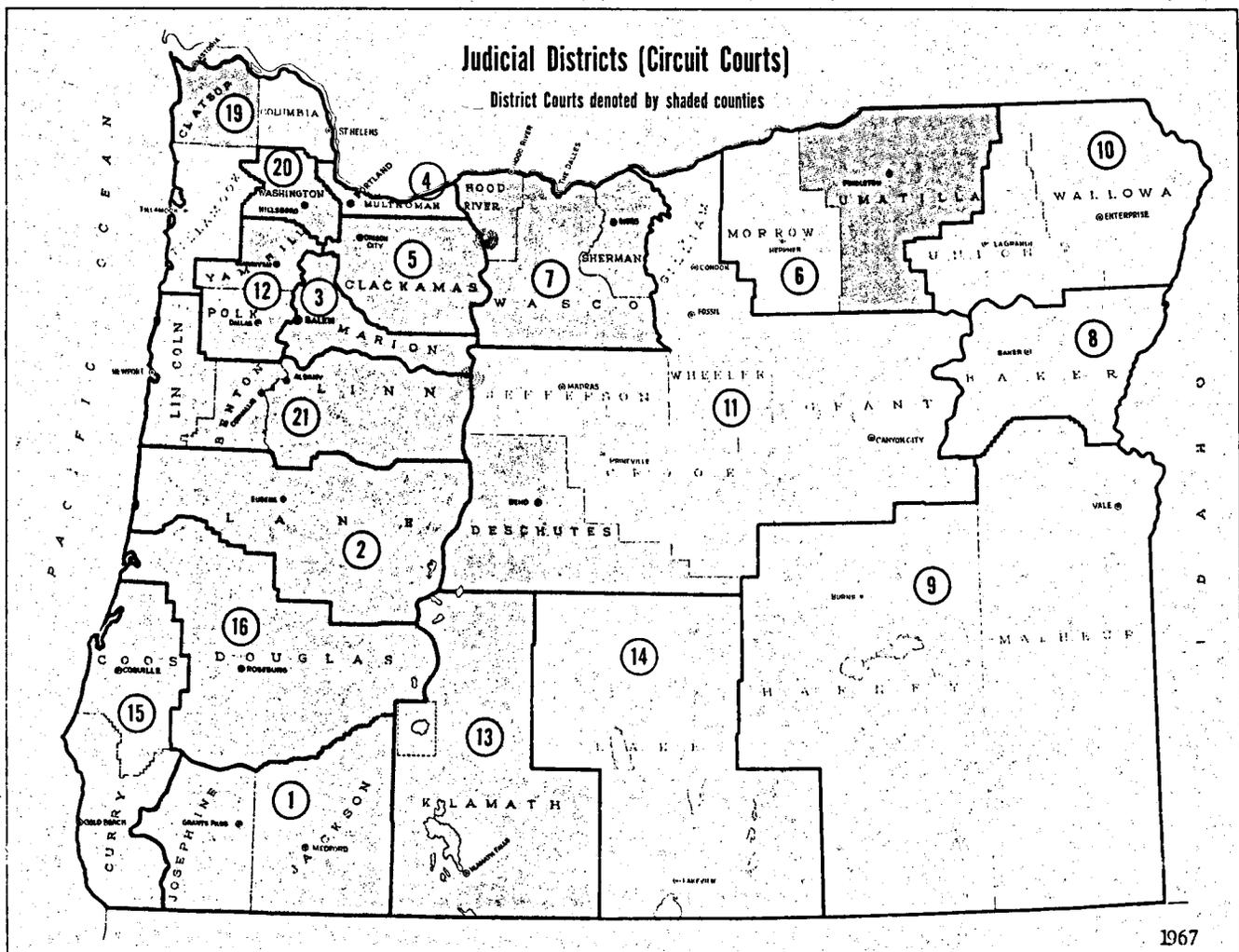
- B. Office
 - 1. Elective - Appointive
 - a. Each circuit judge shall hold office for the term for which he was elected; and at the general election next prior to the expiration of his term of office there shall be elected a circuit judge to succeed him.

- C. Qualifications
 - 1. Each judge of the circuit court shall be a citizen of the United States and a resident of this State.
 - 2. Each judge of the circuit court shall be a resident of or have his principal office in his judicial district, except that in any judicial district having a population of 500,000 or more, according to the latest federal decennial census first effective as provided in ORS 3.135, any judge of the circuit court may reside within 10 miles of the boundary of the judicial district.
 - 3. No person is eligible to the office of judge of the circuit court unless he is a member of the Oregon State Bar.

- D. Salary
 - 1. \$21,000
 - 2. Expenses

- E. Duties
 - 1. Hear criminal cases
 - 2. Hear civil cases
 - 3. Issue bench warrants and subpoenas
 - 4. If two or more persons are sitting as judges of the circuit court in a judicial district:
 - a. Any two or more of them may act in joint session for the trial or determination of any cause, matter or proceeding before the court in the judicial district, including jury cases. If the judges acting in joint session are equally divided in opinion, the opinion of the presiding judge, or if none, then of the judge senior in continuous service, or if neither, then of the judge senior in age, prevails; otherwise the decision of the majority prevails.
 - b. Each of them may proceed separately with and try, simultaneously in the judicial district and during the same term, all causes, matters and proceedings brought before the court.
 - c. Process may be tested in the name of any of them.

- F. Terms of Court
 - 1. ORS 4.010 to 4.410
- G. Districts
 - 1. 21 districts
 - 2. Terms of courts differ in each district
- H. Grand Jury
 - 1. A grand jury is a body of seven persons drawn by lot from the jurors in attendance upon the court at the particular term, having the qualifications prescribed by ORS 10.030 and sworn to inquire of crimes committed or triable within the county from which they are selected.
 - 2. Publicity re findings.
- I. Jury
 - 1. 12 members
 - 2. Jurors picked from latest voters roll and tax roll
- J. Circuit Courts
 - 1. Hear appeals from district, justice, and municipal courts
 - a. Retrial as of anew
- K. Is a Court of Records
 - 1. Appeals to Supreme Court based on errors -- not on findings of fact.



TAX COURT

The Oregon Tax Court is a statewide court. Court is held in the various counties of the state, where the taxpayer resides or the property in question is located. No juries are involved.

The Judge of the court is elected on a statewide basis for a six-year term. The court has jurisdiction of cases involving personal income taxes, corporate excise and income taxes, timber taxes and real and personal property taxes. The statutes also provide for two divisions of the court.

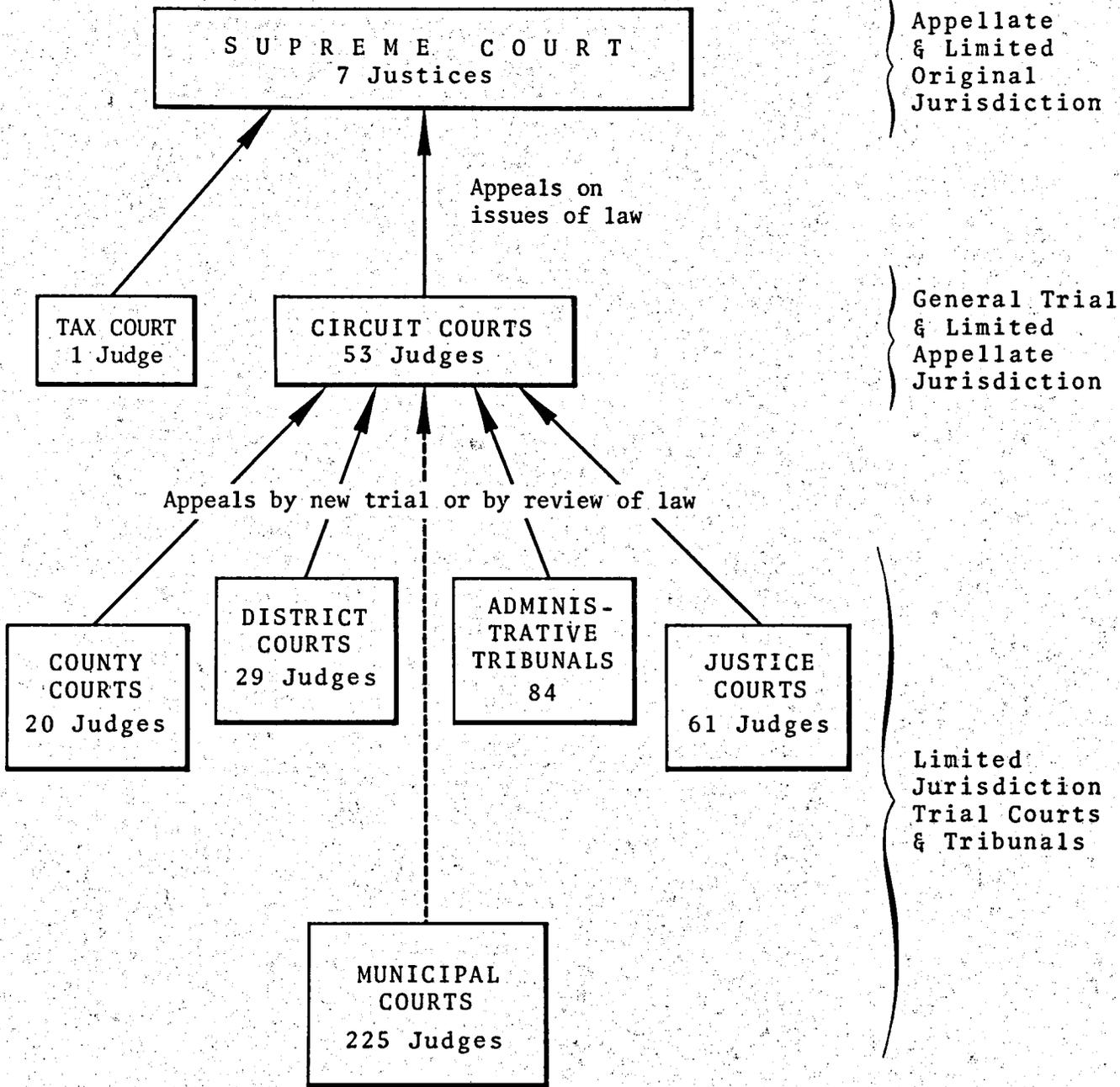
The regular division hears appeals from decisions of the State Tax Commission where the true cash valuation of real property is in excess of \$25,000 and in excess of \$10,000 true cash value in cases involving valuation of personal property, also cases involving personal income taxes where the amount of tax exceeds \$250.

The small claims division has jurisdiction of personal income taxes where the amount in controversy does not exceed \$250, in real property cases where the true cash value does not exceed \$25,000 and in personal property cases where the true cash value does not exceed \$10,000. In this division a taxpayer may appear in person or with an attorney or accountant.

Appeals from the Tax Court are to the Supreme Court.

SUPREME COURT

- A. Authority
 - 1. 2,010 to 2,350
 - 2. The Supreme Court shall consist of seven judges.
- B. Office
 - 1. Elective - Appointive
 - a. Majority of voters
 - b. Appointment by Governor
- C. Qualifications
 - 1. The judges of the Supreme Court shall be citizens of the United States, and shall have resided in this state at least three years next preceding their election or appointment, and have been admitted to practice in the Supreme Court of Oregon.
- D. Duties
 - 1. The Supreme Court shall have power to make and enforce all rules necessary for the prompt and orderly dispatch of the business of the court, and the remanding of causes to the court below.
 - 2. General supervision of circuit and district courts.
 - 3. Bring mandamus proceedings against certain state officials.
 - 4. Hear appeals from circuit courts.
 - 5. Have final disposition of proceeding of matters pertaining to Oregon Bar Association.
- E. Appeals
 - 1. From State Supreme Court to United States Supreme Court must be based only on violations of rights guaranteed by United States Constitution.



FEDERAL COURT

- A. U. S. Supreme Court
 - 1. Appointed by President
 - 2. Passed on by Senate

- B. U. S. Federal District Court of Appeals
 - 1. Same as U. S. Supreme Court

- C. U. S. District Courts
 - 1. Same as U. S. Supreme Court

- D. U. S. Commissioners
 - 1. A U. S. Commissioner is a subordinate magistrate who has certain independent judicial functions.
 - 2. They are appointed by the U. S. district judges who are charged with the duty of appointing a sufficient number of commissioners in their respective judicial districts to meet the requirements of that district.
 - 3. They are appointed for a term of four years but are subject to removal at any time by the district judge.
 - 4. Their chief duties are to:
 - a. Receive complaints concerning crimes against the United States.
 - b. Issue warrants and subpoenas.
 - c. Conduct hearings for the purpose of determining identity only, if an indictment has been returned, or identity and probable cause for holding an accused to the U. S. District Court, if an information or complaint only has been filed.
 - d. Fix bail and commit to jail for failure to make bond.
 - e. When specially designated for that purpose by the court by which they are appointed, try and sentence persons charged with petty offenses committed in any place over which Congress has exclusive power to legislate or over which the United States has concurrent jurisdiction and within the judicial district for which such commissioner was appointed, upon the written consent of the defendant. An appeal shall lie from the judgment of the commissioner to the District Court of the United States for the district in which the offense was committed.

- E. Appeals
 - 1. From state to federal on violation of constitutional right only.

- F. Decisions
 - 1. Week vs. U.S. 232-US-383 1914
 - 2. Elkings vs. U.S. 364-US-206 1960
 - 3. Mapp vs. Ohio 367-US-645 1961

(The United States is the only English-speaking nation in the world that adheres to the above decisions.)