

ORDINANCE NO. 2282

AN ORDINANCE AMENDING SECTIONS 33.35 THROUGH 33.40 OF CHAPTER 33 OF THE HERMISTON CODE OF ORDINANCES DEALING WITH TRIAL BY JURY.

WHEREAS, the City of Hermiston staff is conducting a major review of the City's ordinances, now, therefore,

The City of Hermiston ordains as follows:

(New language is in *italics* and deleted language has a ~~line through it~~.)

Section 1. Section 33.35 of Chapter 33 of the Hermiston Code of Ordinances is amended to read:

33.35 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~CHIEF OF POLICE. The CHIEF OF POLICE of the city or his duly appointed representative.~~

~~CITY. The City of Hermiston, Oregon, a municipal corporation.~~

COURT. The municipal court of the City of Hermiston, Oregon.

COURT CLERK. Any person(s) sworn in as a clerk of the court.

~~DISTRICT. The City of Hermiston, Oregon.~~

~~FINANCE DIRECTOR/RECORDER. The FINANCE DIRECTOR/RECORDER of the City of Hermiston, Oregon, or his duly appointed representative.~~

JUDGE. A JUDGE of the municipal court of the City of Hermiston, Oregon.

~~SHERIFF. The Chief of Police of the city. (Ord. 1407, passed 4-12-82)~~

Section 2. Section 33.36 of Chapter 33 of the Hermiston Code of Ordinances is amended to read:

33.36 ADOPTION OF STATE STATUTES.

~~The following enumerated sections of~~ *Unless superseded by a mandatory provision of state law, the Oregon State Statutes, 2017 edition, shall govern, of 2007 are hereby adopted by reference and made a part of this subchapter so far as they pertain to the extent applicable to trial by juries in the municipal court, including but not limited to, ORS 10.010 through 10.105 and ORS*

10.115.

(A) ~~ORS 10.010 through 10.105 and ORS 10.115.~~

(B) ~~ORS 54.010 through 54.050.~~

(C) ~~ORS 54.100 through 54.130 and ORS 54.160.~~

(Ord. 1407, passed 4-12-82; Am. Ord. 2020, passed 9-11-00; Am. Ord. 2154, passed 3-9-09)

Section 3. Section 33.37 of Chapter 33 of the Hermiston Code of Ordinances is amended to read:

33.37 TRIAL BY JURY IN CRIMINAL CASES.

In all prosecutions for any crime *designated as such by state law or ordinance* over which the municipal court has jurisdiction, the prosecution and the defendant shall have the right of trial by jury, of six in number. Except as otherwise provided in this Code, ~~juries~~ *jurors* shall be selected *and may be challenged* in the same manner ~~as in which juries are selected for~~ misdemeanor cases in circuit courts. The verdict of the jury shall be unanimous. (Ord. 1407, passed 4-12-82; Am. Ord. 2154, passed 3-9-09)

Section 4. Section 33.38 of Chapter 33 of the Hermiston Code of Ordinances is amended to read:

33.38 JURY LIST.

(A) *Juries shall be selected from the latest tax roll and voter registration books used at the City election.* On the first Monday of January of each year, the ~~Finance Director/Recorder~~ *Court Clerk* shall deliver to the municipal judge a current *tax* roll of the registered voters in the City. The Court Clerk, under the direction of the Municipal Judge, shall select and make from the roll a jury list of persons to serve as jurors for the next three months, and until another is selected. Subsequent jury lists for each following three-month period will be prepared at least 30 days prior to the expiration of the current jury list.

(B) The list, when made, will be dated and signed by the Municipal Judge and Court Clerk.

(C) No person shall be placed on the jury list who has served on the jury list of the court during the preceding 12 months. (Ord. 1407, passed 4-12-82)

Section 5. Section 33.39 of Chapter 33 of the Hermiston Code of Ordinances is amended to read:

33.39 JURORS' FEES.

Each juror shall be entitled to an attendance fee as adopted by *council* resolution, ~~but not less~~

than \$10 for each day's required attendance. (Ord. 1407, passed 4-12-82; Am. Ord. 2020, passed 9-11-00)

Section 6. Section 33.40 of Chapter 33 of the Hermiston Code of Ordinances is amended to read:

33.40 JURY FEES.

~~If a case is tried by a jury and the defendant is found guilty, the clerk shall tax against the defendant the total amount of the jury trial fee. The jury trial fee constitutes a monetary obligation payable to the court and shall be made part of the judgment in the case by the clerk without further notice to the defendant or further order of the court. The jury trial fee is the amount provided by ORS 10.061 in courts other than circuit courts for payment for each juror sworn multiplied by the number of jurors constituting a jury in § 33.37.~~

(A) Upon conviction, the court may impose costs on a defendant to the extent and in the manner allowed or required by law.

(B) To the extent authorized by law, the court may include in its judgment a money award requiring that the person repay, in full, or in part, the administrative costs of determining the eligibility of the person for appointed counsel, and the costs of the legal and other services that are related to the provision of appointed counsel.

(C) The court may not require a person to pay costs unless the person is or may be able to pay the costs. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the person and the nature of the burden that payment of costs will impose. The person may seek remission of payment as provided by state law.

(Ord. 2154, passed 3-9-09)

Section 7. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 28th day of October 2019.

SIGNED by the Mayor this 28th day of October 2019.

Dave Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER