

In the Matter of Adopting a) CHIEF JUSTICE ORDER
Uniform Trial Court Rule Out-of-) No. 05-032
Cycle to Allow Electronic Filing)
of Violation Complaints and) ORDER TO ADOPT A UNIFORM TRIAL
Criminal Citations (E-citations)) COURT RULE OUT-OF-CYCLE TO ALLOW
) ELECTRONIC FILING OF VIOLATION
) COMPLAINTS AND CRIMINAL CITATIONS
) (E-CITATIONS)

This order is issued for the following reasons:

The Oregon Judicial Department sponsored legislation, enacted as chapter 911, Oregon Laws 2001, to amend ORS 153.770 to promote the use of digital technology so electronic data provided to a circuit court may be used to create an electronic filing, in lieu of filing a paper copy of a Uniform Citation, as a complaint. See ORS 1.525, ORS 221.333, and ORS 810.425.

This e-citation authority has been expanded by section 15, chapter 566, Oregon Laws 2005, (Enrolled HB 2282) to include use of e-citations for criminal citations (referred to collectively in this order as "e-citations") issued under ORS 133.055 to 133.076, which was signed and took effect under an emergency clause on July 20, 2005. See ORS 1.525, ORS 133.068, ORS 133.069, ORS 153.045, and ORS 153.048.

There are potential savings to police, local governments, courts, and state agencies in developing an e-citation system where offense-related data can be transmitted in a way that does not require the reentry of data as is required with the use of paper Uniform Citations.

Law enforcement agencies for some local governments are investing in e-citation equipment and working with local courts to implement e-citation on a court-by-court basis as they are able to provide funding, development, and training.

E-citation programs must work effectively with the Oregon Judicial Information Network (OJIN).

Coordination at the state level of e-citation development is necessary so the various locally initiated e-citation programs can accommodate necessary local variation as well as a system that is workable statewide for the Judicial Department.

The State Court Administrator reported to the Joint Legislative Committee on Information Management and Technology, in June 2002, as required by section 3, chapter 911, Oregon Laws 2001, on the use of electronic citations, and that report was accepted.

Implementation of e-citations under ORS 153.770 and section 15, chapter 566, Oregon Laws 2005, must be by court rule.

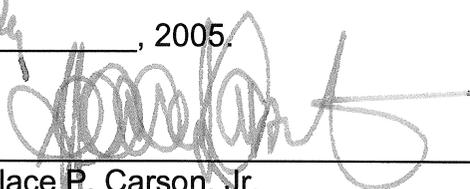
An order by the Chief Justice of the Oregon Supreme Court is required for an out-of-cycle change to the UTCR.

Pursuant to ORS 1.002(2)(b) and (e), section 15, chapter 566, Oregon Laws 2005, (Enrolled 2005 HB 2282), and ORS 153.770:

1. New UTCR 4.090, shown in ATTACHMENT A to this order, is adopted.
2. UTCR 17.010 is repealed.

This order, the adoption of UTCR 4.090, and the repeal of UTCR 17.010 take effect immediately.

DATED this 29th day of July, 2005.



Wallace P. Carson, Jr.
Chief Justice

4.090 ELECTRONIC FILING OF VIOLATION COMPLAINTS AND CRIMINAL CITATIONS (E-CITATIONS)

- (1) A judicial district, with approval of the Chief Justice of the Oregon Supreme Court (Chief Justice), may authorize electronic filing of violation complaints and criminal citations (referred to collectively in this rule as “e-citations”) in its court(s) as allowed by ORS 153.770 and section 15, chapter 566, Oregon Laws 2005, (Enrolled 2005 HB 2282).
- (2) The State Court Administrator may establish appropriate conditions and procedures to be followed by a court and its partners in an e-citation program to assure that the process for e-citations can be accommodated by Oregon Judicial Department systems and computer technology.
- (3) A judicial district’s request to the Chief Justice for approval of the use of e-citations shall:
 - (a) Describe the understanding reached with the law enforcement agency seeking to use e-citations;
 - (b) Describe the understanding reached with the State Court Administrator concerning accommodation of e-citations by Oregon Judicial Department systems and computer technology and the maximum number of offenses that may be filed with the court as cited on a single citation; and
 - (c) Include the proposed SLR authorizing e-citations.
- (4) An SLR authorizing e-citations under this rule shall:
 - (a) Describe the applicable e-citation procedures required by section 15(2), chapter 566, Oregon Laws 2005, and ORS 153.770(2); and
 - (b) Set the maximum number of offenses that may be filed with the court as cited on a single citation. Nothing in this rule or SLR authorizes the mixing of offenses as prohibited by ORS 133.066(4).
- (5) An e-citation authorized under this rule is deemed filed at the time the digital information for the citation is entered in the register of the court.
- (6) SLR 4.091 is reserved for judicial districts to adopt a local rule regarding e-citations.