

In the Matter of Out-of-Cycle )  
Amendment of UTCR 6.080 and 6.120 )  
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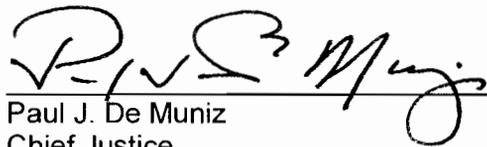
CHIEF JUSTICE ORDER  
No. 11-058  
  
ORDER OF OUT-OF-CYCLE AMENDMENT OF  
UTCR 6.080 AND 6.120

I HEREBY ORDER, pursuant to ORS 1.002 and UTCR 1.020 that:

1. Good cause has been shown and the effective date, requirements, and time limits established by UTCR 1.020(2), (3), and (4) are waived in order to make changes to the UTCR consistent with Oregon Laws 2011, chapter 275, section 1 (2011 Senate Bill 731, section 1), which is applicable to the obligations of an evidence custodian regarding the retention of biological evidence pertaining to certain offenses, operative on January 1, 2012.
2. UTCR 6.080 and 6.120, as shown in Attachment A to this order, are amended effective January 1, 2012. For the convenience of the reader, deleted wording is shown in *[brackets and italics]* and new wording is shown in **{braces, underline, and bold}**. When this rule and form, as amended, are posted and published as part of the UTCR, these highlights will not be shown.
3. Pursuant to UTCR 1.020(5), the UTCR changes implemented by this order shall be posted for public comment as soon as is practicable and shall be placed on the agenda of the next UTCR Committee meeting.

This order takes effect immediately.

Dated this 9<sup>th</sup> day of November, 2011.

  
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Paul J. De Muniz  
Chief Justice

## ATTACHMENT A

### 6.080 MARKING EXHIBITS

- (1) Before the commencement of the trial, parties must mark all exhibits in the following manner:
  - (a) Plaintiff's exhibits must be marked consecutively from 1 through 99.
  - (b) Defendant's exhibits must be marked consecutively from 101 through 199.
  - (c) On request, the court must assign additional blocks of numbers.
  - (d) In cases involving multiple parties or large numbers of exhibits, the parties shall agree on the assignment of the numbers. If the parties cannot reach agreement, or if for any reason the numbering system cannot accommodate the parties, then the court may direct the parties to use any other numbering system not inconsistent with the intent of this section.
- (2) Upon request, the trial court administrator shall provide a party with appropriate stamps, labels or tags for exhibit marking.
- (3) The parties must submit to the court at the time of trial a list of premarked exhibits.
- (4) Exhibits not available at the commencement of trial, exhibits not reasonably anticipated to be used and exhibits intended for impeachment purposes need not be premarked.
- {(5) At the time of trial or hearing involving a covered offense, a party introducing an exhibit that contains biological evidence must provide the court in writing with the name, agency, mailing address, and telephone number for the custodian responsible for each exhibit that contains biological evidence. Counsel also must indicate whether the biological evidence was collected by the defense. For a trial, this information must be submitted with the list of premarked exhibits required under subsection (3) of this rule.**
- (6) For purposes of this rule, the following definitions apply:**
  - (a) "Biological evidence" has the meaning given in Oregon Laws 2011, chapter 275, section 2 (SB 731).**
  - (b) "Covered offense" has the meaning given in Oregon Laws 2011, chapter 275, section 2 (SB 731).**
  - (c) "Custodian" has the meaning given in Oregon Laws 2011, chapter 275, section 2 (SB 731).}**

### 6.120 DISPOSITION OF EXHIBITS

- (1) Unless otherwise ordered **{or except as otherwise provided in Oregon Laws 2011, chapter 275, section 1 (SB 731)}**, all exhibits shall be returned to the custody of counsel for the submitting parties upon conclusion of the trial or hearing. Such counsel

must sign an acknowledgment of receipt for the exhibits returned. Counsel to whom any exhibits have been returned must retain custody and control until final disposition of the case unless the exhibits are returned to the trial court pursuant to subsections (2) or (3) of this rule. Both documentary and nondocumentary exhibits submitted by parties not represented by counsel shall be retained by the trial court, subject to subsection (4) of this rule.

(2) \*\*\*\*\*

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