

**NOTICE SEEKING PUBLIC COMMENT ON OUT-OF-CYCLE
AMENDMENT OF UTCR 21.020 AND 21.070; AND ADOPTION OF UTCR 4.130**
(Comment Period Closes April 27, 2026, at 11:59:59 p.m.)

I. INTRODUCTION

We are seeking comment on out-of-cycle amendment of Uniform Trial Court Rules (UTCR) 21.020 and 21.070 by Chief Justice Order [\(CJO\) 26-005](#), effective February 19, 2026. Additionally, we are seeking comment on out-of-cycle adoption of UTCR 4.130 by [CJO 26-006](#), effective March 9, 2026.

II. SUBMISSION OF WRITTEN COMMENTS

You can submit written comments by:

- Clicking on the button below, next to each rule;
- Email (utcr@ojd.state.or.us); or
- Traditional mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon, 97301-2563).

Please submit your comments so that we receive them by 11:59:59 p.m. on April 27, 2026. Comments will be reviewed by the UTCR Committee at its next meeting on April 29, 2026.

III. OUT-OF-CYCLE AMENDMENTS

For the convenience of the reader, deleted wording is shown in [*brackets and italics*] and new wording is show in {**braces, underline, and bold**}. New rules are shown without the use of [*brackets and italics*] or {**braces, underline, and bold**}.

1. 21.020 – LOCAL RULES OF COURT NOT PERMITTED

EXPLANATION

The following UTCR amendments are intended to facilitate a pilot project that will allow case-initiating documents in criminal cases to be electronically filed in high-volume courts.

UTCR 21.020 generally prohibits circuit courts from adopting or enforcing local rules concerning electronic filing. The rule has been amended to allow local rules when expressly authorized by a Chief Justice Order (CJO) and reserves Supplementary Local Rule 21.011 for that purpose.

Relatedly, UTCR 21.070(3), which identifies documents that must be filed conventionally, generally prohibits electronic filing of case-initiating documents in criminal cases. The rule was amended to create a carveout in UTCR 21.070(8) to allow a CJO—or a Presiding Judge Order issued under a CJO—to authorize electronic filing of documents otherwise restricted by UTCR 21.070(3).

AMENDMENT

21.020 LOCAL RULES OF COURT NOT PERMITTED

No circuit court may make or enforce any local rule **{governing the electronic filing and electronic service of documents}**, other than those local rules authorized by UTCR 4.090, 10.020, [and]11.110, **{and Chief Justice Order (CJO)}** *[governing the electronic filing and electronic service of documents]*. **{SLR 21.011 is reserved for judicial districts to adopt a local rule governing the electronic filing and service of documents pursuant to such a CJO.}**

2. 21.070 – SPECIAL FILING REQUIREMENTS

EXPLANATION

See the related explanation for item 1.

AMENDMENT

21.070 SPECIAL FILING REQUIREMENTS

(1) Courtesy Copies and Other Copies

- (a) The court may require that a filer submit, in the manner and time specified by the court, a copy of the document that was filed electronically and a copy of the submission or acceptance email from the electronic filing system.
- (b) When a filer submits a document for conventional filing or electronic filing, the filer need not submit for filing additional copies of that document unless otherwise required by the court.

- (2) Court Order Requiring Electronic Filing and Electronic Service. Except for any document that requires service under ORCP 7 or that requires personal service, the court may, on the motion of any party or on its own motion, order any party not already otherwise so required to file or serve all documents electronically, after finding that such an order would not cause undue hardship or significant prejudice to any party.

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- (3) Documents that Must be Filed Conventionally. The following documents must be filed conventionally{, **except as provided in subsection (8) of this rule**}:
- (a) An accusatory instrument that initiates a criminal action, except as otherwise provided by ORS 133.073.
 - (b) A petition that initiates a juvenile delinquency proceeding under ORS 419C.250.
 - (c) A document that initiates an extradition proceeding under ORS 133.743 to 133.857.
 - (d) An initiating instrument in a contempt proceeding seeking either remedial sanctions under ORS 33.055 or punitive sanctions under ORS 33.065, including documentation supporting that instrument.
 - (e) A notice of appeal from a justice court or municipal court judgment under ORS 138.057 or ORS 157.020(1), a justice court order under ORS 157.020(2), or a municipal court conviction under ORS 221.359.
 - (f) A foreign subpoena, with an accompanying original subpoena and two copies, submitted under UTCR 5.140(1).
 - (g) A document filed under seal or subject to *in camera* inspection, including a motion requesting that a simultaneously filed document be filed under seal or subject to *in camera* inspection, except that a document may be electronically filed in an adoption case.
 - (h) Except as provided in UTCR 21.090(4), a document that is required by law to be filed in original form, such as, but not limited to, an original will, a certified document, or a document under official seal.
 - (i) If applicable law requires an original document to be filed simultaneously with another document that is electronically filed, the filer must electronically file an image of the original document with the other electronically filed document and then conventionally file the original document within seven business days after submitting the electronic filing. An original document conventionally filed under this paragraph is deemed filed on the date of filing of the electronically filed image of the same document.
 - (ii) If the filer elects to electronically file an image of an original document as set out in paragraph (h)(i) of this subsection, the filer must include in the Filing Comments field a statement that

the electronic filing submission includes an image of an original document and that the filer will conventionally file the original document within seven business days.

- (iii) If the filer elects to electronically file an image of an original document as set out in paragraph (h)(i) of this subsection, when conventionally filing the original document, the filer must include a notification to the court that the image was previously electronically filed.
 - (i) A negotiable instrument tendered under UTCR 2.060 for entry of notation of judgment.
 - (j) A document delivered to the court under ORCP 55(D)(8)(a).
 - (k) A petition filed by a family or household member that requests an extreme risk protection order under ORS 166.527(1) and any supporting affidavit.
 - (l) A petition or motion for waiver of the mandatory eFiling requirement, as set out in UTCR 21.140(3).
 - (m) Any stipulated or *ex parte* matter listed in SLR 2.501 in a Judicial District's Supplementary Local Rules, except that documents submitted under the Family Abuse Prevention Act, the Elderly Persons and Persons with Disabilities Abuse Prevention Act, and the sexual abuse restraining order statutes (ORS 163.760 to 163.777) may be electronically submitted through the electronic forms system, when those forms are available in that system.
 - (n) An undertaking that is accompanied by a deposit as security for the undertaking.
 - (o) A demonstrative or oversized exhibit.
 - (p) Trial exhibits, which must be submitted or delivered as provided in UTCR 6.050, except as provided in UTCR 11.110 or UTCR 24.040(3)(a), or as directed or permitted by Chief Justice Order.
 - (q) A nondocumentary exhibit filed pursuant to UTCR 2.010(8)(d).
 - (r) A victim's request for a United States Citizenship and Immigration Services certification, and related documents, authorized by ORS 147.620.
- (4) * * *

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{(8) Exception to Conventional Filing Requirement

Subsection (3) of this rule does not apply if an applicable Chief Justice Order (CJO), or Presiding Judge Order issued pursuant to such a CJO, authorizes a document listed in subsection (3) to be electronically filed.}

3. 4.130 – CAPTION REQUIREMENT FOR REFILED CHARGING INSTRUMENTS

EXPLANATION

UTCR 4.130 was adopted to facilitate adequate tracking within the Oregon Judicial Department (OJD) of criminal charges that are refiled after dismissal due to the lack of available court-appointed counsel. The new rule directs district attorneys to include in the caption of a refiled charging instrument the phrase “refiling after prior dismissal without prejudice,” which will clearly identify refiled criminal charging instruments and allow OJD to distinguish new charges from charges that have been refiled after a prior dismissal without prejudice by the court.

ADOPTED NEW RULE

4.130 CAPTION REQUIREMENT FOR REFILED CHARGING INSTRUMENTS

In addition to any other requirements imposed by statute or rule, if a prosecuting attorney files a charging instrument that initiates a criminal action and is based on charges previously dismissed without prejudice by the court, the caption of the charging instrument must include the phrase: “Refiling after prior dismissal without prejudice.”

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