



IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF OREGON

In the Matter of Waiver of Certain
Matters Involving Juveniles to Adult
Court or Municipal Court

SECOND AMENDED
PRESIDING JUDGE ORDER

No. 20-004

Summary of effect: All traffic and non-traffic violations and ordinance violations for juveniles under age 15 at the time of an offense are initiated for filing in the Juvenile Court of the the Circuit Court to proceed as a Juvenile Court case. All such violations for juveniles age 15 and older are initiated for filing in the Circuit Court for processing in the adult criminal violation and traffic courts; a municipal court may exercise this provision if it has accepted jurisdiction of such violations in writing filed with the Trial Court Administrator and the county juvenile department. Clarifies that subject to prosecutorial discretion, non-traffic offenses directly related to the use or operation of the motor vehicle may be charged together in adult court (or together in juvenile court) pursuant to ORS 419C.370.

This order replaces Presiding Judge Order 17-010, and the first amended PJO 20-004;

WHEREAS ORS 419C.005 establishes jurisdiction over violations of law or ordinances of the United States, the State of Oregon, or the Counties in this judicial district by juveniles under the age of 18; and

WHEREAS ORS 419C.370 and ORS 419C.349 provide general authority and grounds to waive certain juvenile violation cases into adult court; and

WHEREAS ORS 419C.370 provides that the juvenile court may enter an order directing that all cases involving "violation of a law or ordinance" relating to the use or operation of motor vehicles (Title 59), boating laws (Title 61) or game laws (Title 41, Chapter 496) be waived into circuit court or municipal court if the municipal court has accepted jurisdiction; and

UPON CONSIDERATION, it is determined that statutory violations and criminal offenses under these statutes which are not part of a greater criminal episode involving other criminal offenses, may be most effectively addressed in the adult court system, subjecting the juvenile to fines and license suspensions;

Waiver of Juvenile Violations and Certain Misdemeanors to Adult Court

THEREFORE, IT IS HEREBY ORDERED that pursuant to the authority granted in ORS 419C.370, the Chief Judge of the Juvenile Court and the Presiding Judge of the Circuit Court order that offenses that are statutory violations or criminal offenses charged against juveniles age 15 and older at the time of the offense, traffic offenses, and offenses accompanying such relating to the use or operation of a motor vehicle, boating laws or game laws, and which are not part of a greater criminal episode filed in Juvenile Court, are waived to and filed in the circuit court or may be waived to and filed in the municipal court if the municipal court has accepted jurisdiction over the offenses for juveniles for disposition as adults. A municipal court accepting jurisdiction shall submit an Order Accepting Jurisdiction, signed by the municipal judge, to the Umatilla County Juvenile Department with a copy to the Umatilla County Circuit Court's Juvenile Court Chief Judge for filing by the Trial Court Administrator. Any court which has previously submitted a document accepting jurisdiction signed by the City's current approving authority need not resubmit.

For traffic offenses, the waiver applies only to statutory violations and criminal offenses described in the motor vehicle code, including but not limited to Title 59, in particular Chapter 811, Rules of the Road for Drivers (ORS 153.530 et seq.). As provided under ORS 419C.370, offenses that are related to the use or operation of a motor vehicle that accompany the traffic offense may be charged together in adult court or charged together in juvenile court, but should not be separated unless with permission of the presiding judge or presiding juvenile court judge. If such non-traffic offenses are 'greater' offenses by classification than the traffic offense, then all such matters should be directed to the juvenile court as part of the greater criminal episode.

For boating violations, the waiver applies only to statutory violations and criminal offenses described in the Small Watercraft code, including but not limited to Title 61, and penalties described therein, including but not limited to ORS 830.990, 830.992, 830.994, 830.997, 830.998, and 830.999.

For wildlife violations, the waiver applies only to statutory violations and criminal offenses described in the Wildlife Code, including but not limited to Title 41, and the penalties described therein, including but not limited to ORS 496.992.

The Violations Bureaus of the Umatilla and Morrow County Circuit Court shall process these violation charges cited against juvenile offenders as authorized in the the current Presiding Judge Order Reestablishing the Violations Bureau.

For cases waived to a municipal court under these provisions, the municipal court shall return the case to the County Juvenile Department for processing under the terms of ORS 419C.370(3)(b) in the event the defendant fails to appear for a proceeding. The Municipal Court may issue a second

Waiver of Juvenile Violations and Certain Misdemeanors to Adult Court

notice to appear prior to returning the case to the County Juvenile Department.

The circuit court or municipal court accepting such a case is required to notify the county juvenile department upon accepting the case. This is done by submitting a copy of the filed citation to the Juvenile Department.

The Trial Court Administrator shall provide each Municipal Court within the Judicial District a copy of this order and a sample letter accepting jurisdiction of juvenile matters under the order. If a municipal court intends to accept jurisdiction of juvenile cases they must provide to the Trial Court Administrator and the juvenile department of the county a letter on official letterhead, signed by the appropriate judicial authority, accepting jurisdiction of violations as stated in ORS 419C.370(1)(b). Without such a letter accepted by the Presiding Juvenile Judge, any violations of law described in these statutes must be submitted to be filed in the circuit court as described in this order for criminal violations and traffic violations unless referred to the juvenile court for processing by the juvenile court judge under ORS 419C.370(2)(b).

If a violation is filed in a municipal court pursuant to this order the juvenile defendant may request within 10 days of arraignment in court by memorandum to the juvenile court, a transfer of the case to the juvenile court or criminal court of the Circuit Court under ORS 419C.370(2)(b). The juvenile court has discretion to summarily direct the case to be moved to the circuit court or to retain jurisdiction for that case.

A justice court shall exercise such statutory jurisdiction as it has over cases filed with it and shall notify the county juvenile department before hearing any waived case.

In any case filed in an adult court pursuant to this order the county juvenile department may elect to request the involved juvenile and offense be remanded to jurisdiction of the juvenile court.

Charges Pertaining to a Greater Criminal Episode.

A violation may be filed separately from any alleged crimes (ORS 153.108). However, the court clerk or judge may, upon identifying a violation as part of the same criminal episode as charges filed in a juvenile delinquency petition, refer the violation to the juvenile court for processing concurrent with the delinquency petition. As above, offenses by juveniles charged for adult circuit court disposition will be assigned the juvenile court judge. Disposition of the violation by the circuit or municipal court does not affect the disposition of the offenses filed in juvenile court. See ORS 419C.374.

Juvenile Property Crimes Charged as Misdemeanors

This Presiding Judge Order does not address property crimes committed by defendants under the age of 18 and charged as misdemeanors, unless

included in a complaint filed with a traffic offense and constituting an offense(s) related to the use or operation of a motor vehicle. These are processed by the Umatilla or Morrow County Juvenile Departments, or a Community Accountability Board (CAB), pursuant to their community program.


Early Disposition Programs Authorized

This order authorizes the court to implement any early disposition program developed under ORS 135.941, authorized by the Local Public Safety Coordinating Council in cooperation with the District Attorney to provide for diversion or deferred disposition upon plea of no contest, to offenses classified as violations and filed in circuit court pursuant to this Order. The court fee for any such program shall be the minimum fine allowed under ORS 153.021. If the agreement is revoked, any program fee is not recoverable, nor shall credit be applied against any fine imposed upon conviction. Such programs may include participation in an approved driver safety education program (see ORS 336.802), boater safety course (see ORS 803.994(1)(b)), or Hunter Safety Program (see ORS 497.360).



DATED: 11/23/2020

DANIEL J. HILL
Presiding Judge of the Circuit Court



EVA TEMPLE
Presiding Judge of the Juvenile Court

TO:

Hon. Eva J. Temple, Presiding Juvenile Judge
Roy N. Blaine, Trial Court Administrator
Circuit Court
216 SE 4th St.
Pendleton, OR 97801

Digna Moreno, Director
Umatilla County Juvenile Department
817 SE 13th St.
Pendleton, OR 97801

RE: ACCEPTANCE OF VIOLATIONS BY JUVENILE OFFENDERS PURSUANT TO 6TH DISTRICT PRESIDING
JUDGE ORDER 20-004

This letter is to confirm that Umatilla Municipal Court has reviewed Presiding Judge Order 20-004 and Oregon Revised Statutes related to waiver of juvenile traffic, boating and fishing violations to adult court. By this letter the court indicates that juvenile violations issued within this jurisdiction may be filed in the municipal court and will be processed as adult cases.

We acknowledge by this letter that we will notify the Umatilla County Juvenile Department (address and email) of each case we accept for filing where the defendant is 15, 16 or 17 years of age at the time of the infraction. We also acknowledge that we will notify the Juvenile Department of any instance where the defendant fails to appear so that the case may be processed further by the Juvenile Department under ORS 419C.70(3)(b).

This acceptance of juvenile cases in the Umatilla Municipal Court becomes effective the date of approval by the Presiding Judge of the Circuit Court and remains in effect until (a) withdrawn by the Municipal Court or (b) Presiding Judge Order 20-004 is superseded.

Signed,

Theresa McKnight
Municipal Court Judge

January 23, 2020
Date

Received on 1/28/2020

Approved on 1/28/2020

ROY BLAINE, TRIAL COURT ADMINISTRATOR

DANIEL J. HILL, PRESIDING JUDGE

Roy Blaine

Daniel J. Hill

PJD
20-004

TO:

Hon. Eva J. Temple, Presiding Juvenile Judge
Roy N. Blaine, Trial Court Administrator
Circuit Court
216 SE 4th St.
Pendleton, OR 97801

Digna Moreno, Director
Umatilla County Juvenile Department
817 SE 13th St.
Pendleton, OR 97801



**Municipal
Court**

RE: ACCEPTANCE OF VIOLATIONS BY JUVENILE OFFENDERS PURSUANT TO 6TH DISTRICT
PRESIDING JUDGE ORDER 20-004

This letter is to confirm that HERMISTON Municipal Court has reviewed Presiding Judge Order 20-004 and Oregon Revised Statutes related to waiver of juvenile violations and misdemeanor criminal offenses pertaining to traffic, boating and fishing violations to adult court. By this letter the court has decided to accept such offenses filed against juveniles issued within this jurisdiction and such may be filed in the municipal court and will be processed as adult cases.

We acknowledge by this letter that we will notify the Umatilla County Juvenile Department (address and email) of each case we accept for filing where the defendant is 15, 16 or 17 years of age at the time of the offense. We also acknowledge that we will notify the Juvenile Department of any instance where the defendant fails to appear so that the case may be processed further by the Juvenile Department under ORS 419C.70(3)(b).

This acceptance of juvenile cases in the HERMISTON Municipal Court becomes effective the date of approval by the Presiding Judge of the Circuit Court and remains in effect until (a) withdrawn by the Municipal Court or (b) Presiding Judge Order 20-004 is superseded.

Signed,



Municipal Court Judge

22 Sep 20


Date

Received on 22 September 2020

Approved on 22 September 2020

ROY BLAINE, TRIAL COURT ADMINISTRATOR

DANIEL J. HILL, PRESIDING JUDGE





TO:

Hon. Eva J. Temple, Presiding Juvenile Judge
Roy N. Blaine, Trial Court Administrator
Circuit Court
216 SE 4th St.
Pendleton, OR 97801

Digna Moreno, Director
Umatilla County Juvenile Department
817 SE 13th St.
Pendleton, OR 97801

RE: ACCEPTANCE OF VIOLATIONS BY JUVENILE OFFENDERS PURSUANT TO 6TH DISTRICT PRESIDING
JUDGE ORDER 20-0##

This letter is to confirm that Stanfield Municipal Court has reviewed Presiding Judge Order 20-0## and Oregon Revised Statutes related to waiver of juvenile traffic, boating and fishing violations to adult court. By this letter the court indicates that juvenile violations issued within this jurisdiction may be filed in the municipal court and will be processed as adult cases.

We acknowledge by this letter that we will notify the Umatilla County Juvenile Department (address and email) of each case we accept for filing where the defendant is 15, 16 or 17 years of age at the time of the infraction. We also acknowledge that we will notify the Juvenile Department of any instance where the defendant fails to appear so that the case may be processed further by the Juvenile Department under ORS 419C.70(3)(b).

This acceptance of juvenile cases in the Stanfield Municipal Court becomes effective the date of approval by the Presiding Judge of the Circuit Court and remains in effect until (a) withdrawn by the Municipal Court or (b) Presiding Judge Order 20-0## is superseded.

Signed,

Rosali Emerson

Municipal Court Judge

29 January 2020
Date

Received on 01/30/2020

Approved on 1/30/2020

ROY BLAINE, TRIAL COURT ADMINISTRATOR

DANIEL J. HILL, PRESIDING JUDGE

Roy N. Blaine

Roy N. Blaine, Trial Court Administrator

Daniel J. Hill

Daniel J. Hill, Circuit Court Judge



CITY OF PENDLETON

501 SW Emigrant Avenue
Pendleton, Oregon 97801
(541) 966-0209
FAX: (541) 966-0352

March 4, 2020

RECEIVED
3-6-2020

Roy Blaine
Trial Court Administrator
Umatilla County Circuit Court
216 SE 4th
Pendleton, OR 97801

Re: PJO 20-004

Dear Mr. Blaine,

Thank you for your January 23, 2020, letter regarding Umatilla County Circuit Court Presiding Judge's Order 20-004. PJO 20-004 waives traffic, boating, and game cases committed by minors age 15-17 to adult court, and it also allows violation traffic, boating, and game cases committed by 15-17 year old minors to be accepted by Municipal Court.

At this time, I am not inclined to accept these violation traffic cases on behalf of the City of Pendleton Municipal Court. After looking into this, I am not convinced that there is a substantial benefit to the City of Pendleton and public safety in accepting the waived cases that would offset any costs or issues in changing the current process. Additionally, in the interest of juvenile offender reformation and judicial economy, there would appear to be some advantage in the waived cases remaining in Circuit Court, should those cases be waived or recalled back to Juvenile Court as allowed under the law.

I do appreciate and thank you for reaching out. Should circumstances or my decision change, I will make sure to let you know.

Sincerely,

Monte G. Ludington

cc: Nancy Kerns, City Attorney
Stuart Roberts, Chief of City of Pendleton Police Department
Digna Moreno, Director of Umatilla County Juvenile Department