

ORDINANCE NO. 4795

**AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER
2.04 ON MUNICIPAL COURT HOURS AND JURY TRIAL
PROCESSES**

Whereas, the existing Beaverton Code Charter requires the Municipal Court (Court) to obtain Council approval to set Court hours of operation for the public; and

Whereas, the current Beaverton Code (BC) Chapter 2.04 further explains how the Court must obtain prior approval from Council to set Court hours; and

Whereas, voters approved a new charter taking effect on January 1, 2021, that no longer includes the requirement for the Municipal Court to obtain Council approval to set Court hours; and

Whereas, City Council desires to remove the corresponding requirement in City Code requiring Council approval of any change in Court hours through Council resolution; and

Whereas, the Court would also like to make minor adjustments to the processes for jury trials that occur in Court that are also described in this same chapter.

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 2.04.016, BC 2.04.021, BC 2.04.025, and BC 2.04.031 in Chapter 2.04 is amended as follows:

2.04.016 Competency and Qualifications of Jurors.

A. A person is competent to act as a juror if the person:

1. is a citizen of the United States;
2. is a resident of the city;
3. is over 18 years of age; and
4. has not had rights and privileges withdrawn and not restored under ORS 137.281.

2.04.021 Postponement of and Excuse from Jury Service.

A. Postponement of a person's jury service to a subsequent term may be granted by a judge or court clerk for good cause shown. Whenever possible, the postponement of a person's jury service is to be preferred over the excuse of a person from jury service.

B. Excuse of a person from jury service may be granted by a judge or court clerk upon a showing of undue hardship or extreme inconvenience to the person, the person's family, the person's employer or the public served by the person. In applying for this provision, the judge or court clerk shall consider both the public

need for juries which are representative of the whole community and individual circumstances offered as justification for excuse from jury service.

2.04.025 Jury Selection for Trial.

A. For each jury trial date during a court term, the court clerk shall select, at random, at least 12 persons from the term jury list who are able to serve at the time required.

B. At the time of trial, the prospective jurors shall be examined as to their qualifications, first by the defendant and then by the city. After they have been passed for cause, peremptory challenges, if any, shall be exercised, as provided in subsection C of this section. Each party may take challenges for cause and three peremptory challenges, unless the judge grants additional challenges. When two or more defendants are tried together, each must join in any challenge or it cannot be taken, unless the judge grants additional challenges.

C. Peremptory challenges shall be taken as follows:

1. The defendant may challenge one juror and the city may challenge one, alternating until the peremptory challenges are exhausted.
2. After each challenge, the panel shall be filled and the additional juror passed for cause before another peremptory challenge is exercised. Neither party shall be required to exercise a peremptory challenge unless the full number of jurors is in the jury box at the time.
3. The refusal to challenge by either party in order of alteration does not prevent the adverse party from exercising the party's full number of challenges, and refusal of a party to exercise the party's challenge in proper turn concludes the party as to the jurors once accepted by the party. If the party's right of peremptory challenge is not exhausted, the party's further challenges shall be confined, in the party's proper turn, to such additional jurors as may be called.

E. If the peremptory challenges of the moving party are not already exhausted, the court may for good cause shown permit a challenge to be taken to any juror before the jury is complete and sworn, notwithstanding the juror challenged may have been previously accepted.

2.04.031 Application of Circuit Court Procedure to Municipal Court Proceedings.

Except as otherwise provided by this Code, by state law or by court rule, trials shall be conducted as trials in circuit courts. The rules of evidence shall be the same as in the state courts and shall include applicable state law regarding the introduction or admission of evidence.


Section 2. BC 2.04.034 is repealed.

First reading this 17th day of November, 2020.

Second reading and passage by this Council this 1st day of December, 2020.

Approved by the Mayor this 2nd day of December, 2020.

ATTEST:



CATHERINE L. JANSEN, City Recorder

APPROVED:



DENNY DOYLE, Mayor