

A BILL FOR AN ORDINANCE PROVIDING FOR )  
THE ASSIGNMENT OF CASES AND CONDUCT )  
OF OTHER MATTERS COMING BEFORE THE )  
TWO DEPARTMENTS OF THE MUNICIPAL COURT )  
OF THE CITY OF LEBANON. )

BILL NO. 19  
ORDINANCE NO. 848

WHEREAS, on the 4th day of November, 1952, the City Charter was amended by the voters of the City of Lebanon, repealing Chapter 5, Sections 116 through to, and including Section 124, and establishing a municipal court consisting of two departments to be known as Department No. 1, and Department No. 2, and

WHEREAS, the Charter amendment provides that the assignment of cases and other matters coming before the court shall be made in the manner provided by ordinance of the City Council.

NOW THEREFORE THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. All cases coming before the Municipal Court of the City of Lebanon shall be and they are hereby assigned to Department No. 1 as now constituted and the judge of Department No. 1, unless she or he be absent from the city or otherwise incapacitated, shall have exclusive jurisdiction of all cases coming before the court and all matters and proceedings relating to such cases until the entry of a plea by the defendant. If the defendant pleads guilty to the charge set forth in the complaint, the judge of Department No. 1 shall have exclusive jurisdiction of the case until its final determination.

Section 2. The judge of Department No. 1 shall, in all cases brought before his or her court, advise the defendant of his right to counsel and permit the defendant to secure council before a plea is entered and upon entry of a plea, if the plea be a plea of guilty, shall assess and impose the fine or sentence or both against the defendant as provided for by the Charter of the City of Lebanon and, if a fine, shall collect such fine. If the defendant does not pay the fine at the time of the entry of the plea, he shall be committed to a police officer of the City of Lebanon for confinement in the city jail until such fine is paid. The defendant shall be entitled to a credit of \$2.00 per day on such fine for every day confined in the jail. If the defendant is unable at the time of the assessment of the fine, to pay the fine, he may furnish, and the municipal judge is authorized to accept, in lieu thereof, an undertaking in double the amount of the fine conditioned upon the payment of the fine at such time or times and in such amount or amounts as the municipal judge may determine. Such bond shall be signed by the defendant and by a surety who shall qualify in the same manner as a surety on a bail bond provided by the laws of the State of Oregon.

*amended*  
Section 3. If the defendant pleads not guilty when brought before the municipal judge of the Department No. 1, such judge shall set the date of the trial of the case, and shall give the defendant an opportunity to secure bail, and in the event of his failure or refusal to do so, he shall be committed to a police officer of the City of Lebanon to be held until the trial of the case.

*Amended*  
Section 4. The municipal judge of Department No. 1 shall keep a docket of proceedings coming before the court and made the proper entries therein and upon the entry of a plea of not-guilty and admission of the defendant to bail or commitment to a police officer pending the trial of the case, the municipal judge of Department No. 1 shall prepare a transcript of all proceedings which prior to that time have come before his or her court including the docket entries up to that time, including, also, all other records which he or she may have relating to the case, such as a complaint and copy of the writ of arrest, and deliver the same to the municipal judge of Department No. 2, and upon delivery of the aforesaid transcript and docket entries, the jurisdiction of the judge of Department No. 1 over the case shall terminate, and the judge of the Department No. 2, shall thereafter have exclusive jurisdiction of the case until its final determination.

*Amended*  
Section 5. At the time of the delivery of the aforesaid transcript, the judge of Department No. 1 shall deliver to the judge of Department No. 2 the bail bond or bail money which he or she received from the defendant, and the judge of Department No. 2 shall execute and deliver to him or her a receipt, therefore, which receipt shall be conclusive evidence of such a delivery and shall release the judge of Department No. 1 from any further responsibility on account of such bail.

Section 6. If the judge of Department No. 2 is out of town and it is necessary that a trial be held, in the case where the defendant has pleaded not guilty, the above provisions in this ordinance providing that in such cases, the transcript be delivered to the judge of Department No. 2 may be waived by the defendant and the City Attorney of the City of Lebanon, and upon such waiver, the judge of Department No. 1, shall retain jurisdiction of such case and proceed to its final determination.

Section 7. All ordinances and parts of ordinances which are in conflict herewith are hereby repealed.

Section 8. Inasmuch as the Recorder's Court was abolished by the amendment to the City Charter, there is an immediate necessity for providing for assignment of cases and other matters coming before the court and the immediate passage of this ordinance is required for the peace, health, and safety of the people of the City of Lebanon. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 17th day of November, 1952.

*R. J. ...*  
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Mayor

*Ida ...*  
\_\_\_\_\_  
City Recorder