

B-Engrossed
House Bill 2324

Ordered by the Senate May 29
Including House Amendments dated April 30 and Senate Amendments
dated May 29

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows court to render judgment on action challenging constitutionality or legality of policy, practice or act of public body even though policy, practice or act no longer has effect on party bringing action if court determines challenged act is capable of repetition and likely to evade judicial review in future.

A BILL FOR AN ACT

1
2 Relating to courts.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. In an action in which a party alleges that an act, policy or practice of a**
5 **public body, as defined in ORS 174.109, or of any officer, employee or agent of a public body,**
6 **as defined in ORS 174.109, is unconstitutional or is otherwise contrary to law, the party may**
7 **continue to prosecute the action and the court may issue a judgment on the validity of the**
8 **challenged act, policy or practice even though the specific act, policy or practice giving rise**
9 **to the action no longer has a practical effect on the party if the court determines that:**

10 (1) **The party had standing to commence the action;**

11 (2) **The act challenged by the party is capable of repetition, or the policy or practice**
12 **challenged by the party continues in effect; and**

13 (3) **The challenged policy or practice, or similar acts, are likely to evade judicial review**
14 **in the future.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.