

# House Bill 2977

Sponsored by Representative BOQUIST

## 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 **as introduced**.

Requires that public body defend and indemnify officer, employee or agent of public body in all cases if, upon petition, Attorney General determines that claim asserted against officer, employee or agent arises out of use of force in response to terrorist attack, in response to circumstances in which officer, employee or agent has reason to believe that terrorist attack is occurring or in response to circumstances in which hostage has been taken.

## A BILL FOR AN ACT

1  
2 Relating to public bodies.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 30.260 to 30.300.**

5 **SECTION 2. (1) Notwithstanding any other provision of ORS 30.260 to 30.300, a public**  
6 **body shall defend and indemnify an officer, employee or agent of the public body in all cases**  
7 **if, upon petition, the Attorney General determines that the claim asserted against the offi-**  
8 **cer, employee or agent arises out of the use of force in response to a terrorist attack, in**  
9 **response to circumstances in which the officer, employee or agent has reason to believe that**  
10 **a terrorist attack is occurring or in response to circumstances in which a hostage has been**  
11 **taken.**

12 **(2) The public body shall defend and indemnify the officer, employee or agent even though**  
13 **the officer, employee or agent was not acting within the person's scope of employment or**  
14 **duties, or the acts of the officer, employee or agent constituted malfeasance in office.**

15 **(3) An officer, employee or agent of a public body who is aggrieved by a determination**  
16 **by the Attorney General under subsection (1) of this section may petition the Governor for**  
17 **review of the determination. The Governor may reverse or affirm the determination.**

18 **(4) If a public body is required to defend and indemnify an officer, employee or agent of**  
19 **the public body under this section, and an action is filed against the officer, employee or**  
20 **agent, on motion the public body shall be substituted as the only defendant in the action.**

21 **SECTION 3. Section 2 of this 2007 Act applies only to acts of officers, employees and**  
22 **agents of public bodies occurring on or after the effective date of this 2007 Act.**

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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.