

Joint Committee on Ways and Means

Carrier – House: Rep. Richardson
Carrier – Senate: Sen. Nelson

Revenue: Revenue statement issued

Fiscal: Fiscal statement issued

Action: Do Pass as Amended and as Printed A-Engrossed

Vote: 21 – 3 – 1

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, Nathanson, Richardson, G. Smith, Whisnant

Nays: McLane, Nolan

Exc: Thatcher

Senate

Yeas: Bates, Devlin, Edwards, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

Nays: Girod

Exc:

Prepared By: Tim Walker, Legislative Fiscal Office

Meeting Date: June 15, 2011

WHAT THE MEASURE DOES: Creates the Courthouse Capitol Improvement Trust Fund and deposits in that fund moneys received from punitive damage awards. Directs that moneys in this trust be used for courthouse capital improvements. Directs that 10% of punitive damage awards go to the trust fund.

ISSUES DISCUSSED:

- How much can be expected to be deposited in the account
- Why does the money go through the Department of Justice

EFFECT OF COMMITTEE AMENDMENT: Makes the bill applicable to causes of action that arise on or after the effective date.

BACKGROUND: Punitive damages are awarded “when it is proven by clear and convincing evidence that the party against whom punitive damages are sought has acted with malice or has shown a reckless and outrageous indifference to a highly unreasonable risk of harm and has acted with conscious indifference to the health, safety and welfare of others, ORS 31.730(1). Currently, the prevailing party receives 40% of all punitive damages and the Criminal Injuries Compensation Account receives 60%. Counties are required to provide suitable and sufficient courtrooms, offices and jury rooms, ORS 1.185.