

SENATE AMENDMENTS TO SENATE BILL 77

By COMMITTEE ON JUDICIARY

April 4

1 On page 1 of the printed bill, delete lines 5 through 25.

2 On page 2, delete lines 1 through 22 and insert:

3 **“SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 30.642 to**
4 **30.650.**

5 **“SECTION 2. (1)(a) An inmate who brings an action against a public body in a small**
6 **claims department must serve the notice and claim and all subsequent filings on the public**
7 **body. If the public body is the Department of Corrections or another state agency, the in-**
8 **mate must also serve the notice and claim and all subsequent filings on the Attorney Gen-**
9 **eral.**

10 **“(b) Notice and claim served under paragraph (a) of this subsection must be served in the**
11 **manner provided in ORS 46.445 except that the statement required under ORS 46.445 (4) must**
12 **read ‘30 DAYS’ instead of ‘14 DAYS.’**

13 **“(2) The public body or Attorney General served under subsection (1) of this section must**
14 **take action as required under ORS 46.455 except that the public body or Attorney General**
15 **must admit or deny the claim within 30 days after the date of service.**

16 **“(3) Notwithstanding ORS 46.405, in an action against a public body brought under this**
17 **section, the court shall transfer the action to the regular department of the circuit court**
18 **upon request of the public body or, if the public body is the Department of Corrections or**
19 **another state agency, or an officer, employee or agent of the Department of Corrections or**
20 **the state agency, upon request of the public body or the Attorney General.**

21 **“(4) Notwithstanding ORS 46.415, in an action against a public body brought under this**
22 **section, if the public body is the Department of Corrections or another state agency, or an**
23 **officer, employee or agent of the Department of Corrections or the state agency, an attorney**
24 **or paralegal employed by the Department of Justice may appear and represent the public**
25 **body.**

26 **“(5)(a) Notwithstanding ORS 46.475, in an action against a public body brought under this**
27 **section, notice of intent to apply for an order of default, in the form prescribed by Uniform**
28 **Trial Court Rule 2.010, must be filed and served on the public body against which an order**
29 **of default is sought at least 10 days before a court may enter an order of default. If the**
30 **public body is the Department of Corrections or another state agency, or an officer, em-**
31 **ployee or agent of the Department of Corrections or the state agency, notice must also be**
32 **served on the Attorney General.**

33 **“(b) The court may not enter a default judgment in favor of the inmate unless the inmate**
34 **submits to the court proof of service by affidavit of the notice and claim required under**
35 **subsection (1) of this section and the notice of intent to apply for an order of default required**

1 **under paragraph (a) of this subsection.”.**

2 In line 23, delete “4” and insert “3”.

3 In line 36, delete “5” and insert “4”.

4 On page 3, line 12, delete “6” and insert “5”.

5 In line 17, delete “7” and insert “6”.

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