



STATE OF OREGON
Legislative Counsel Committee

February 10, 2014

To: Bill Taylor, House Judiciary Committee
From: Marisa James, Deputy Legislative Counsel
Subject: -3 amendments to House Bill 4048

Enclosed are the -3 amendments to House Bill 4048, which narrow the exception from the immunity for wrongful death claims covered by workers' compensation to claims in which:

- 1) The death occurred in the course and scope of the decedent's employment;
- 2) The death occurred as a result of the conduct of another person that could be charged as a crime; and
- 3) The decedent was not employed by a public body at the time of death .

As we discussed, the issue of whether the death occurred as a result of criminal conduct is complicated and could lead to a lot of litigation about whether a person's conduct is criminal. It is not clear whether the person committing the criminal conduct would have to be charged or convicted for a crime, or whether evidence that conduct constituted the elements of a crime would be sufficient.

Let me know if you have any questions.

Encl.