

REVENUE: No revenue impact  
FISCAL: May have fiscal impact, statement not yet issued  
SUBSEQUENT REFERRAL TO: None

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**Action:**

**Vote:**

**Yeas:**

**Nays:**

**Exc.:**

**Prepared By:** Laura Handzel, Administrator

**Meeting Dates:** 3/30

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**WHAT THE MEASURE DOES:** Exempts claims based on conduct constituting child abuse or knowingly allowing, permitting or encouraging child abuse from notice requirement of Oregon Tort Claims Act. Add exception to exemptions for claims of negligence arising out of provision of health care. Applies to all causes of action arising before, on or after the effective date. Revives certain causes of action barred because of notice requirement, statute of limitations or repose. Requires revived claim to be filed within two years of effective date.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Currently, the Oregon Tort Claims Act bars actions arising from any act or omission of a public body or an officer, employee or agent of a public body unless proper notice of the claim is given but provides exceptions.

Senate Bill 821 adds a notice requirement exception for claims based on conduct constituting child abuse or knowingly allowing, permitting or encouraging child abuse and applies to causes of action arising before, on or after its effective date. The bill, however, adds an exception to the exemptions to exclude claims of negligence arising out of the provision of health care. Senate Bill 821 also revives causes of action based on conduct constituting child abuse or knowingly allowing, permitting or encouraging child abuse if: 1) a civil action was filed before the effective date of the act; and 2) the cause of action was adjudicated based on applicable provisions in effect immediately before the effective date, as well as those based on the plaintiff's failure to comply with the statute of limitations or statute of repose. Senate Bill 821 requires that revived causes of action be refiled within two years after the effective date.