

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: HB 2644**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session  
Legislative Fiscal Office***Only Impacts on Original or Engrossed  
Versions are Considered Official***Prepared by: John Terpening  
Reviewed by: Steve Bender, John Borden, Daron Hill, Paul Siebert  
Date: 2-16-2015**Measure Description:**

Provides that public body and its officers, employees and agents are not immune from liability for wrongful death of person who is covered by workers' compensation law if death occurred in course and scope of decedent's employment, death occurred as result of conduct of another person who is subsequently convicted of murder or found guilty except for insanity of murder and decedent was not employed by public body at time of death.

**Government Unit(s) Affected:**

Department of Administrative Services (DAS), Department of Justice, Judicial Department, Statewide

**Summary of Expenditure Impact:** See Analysis**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

The measure would allow the family of an individual to file a wrongful death claim against a public body or its officer if certain circumstances are met. The crime must have been committed on or after May 1, 2012 and the measure sunsets January 2, 2017.

Based on the narrow scope and timeline provided by the measure, the Department of Administrative Services (DAS) Risk Management division anticipates this would only apply to a very small number of cases over the five year period. The Oregon Tort Claims Act prescribes tort limits that would apply to any claim that was presented. The following table shows the tort limits in effect over the five-year span of the measure.

Date	Per Person limit	Per Occurrence limit
7-1-11 to 6-30-12	\$1,700,000	\$3,400,000
7-1-12 to 6-30-13	\$1,800,000	\$3,600,000
7-1-13 to 6-30-14	\$1,900,000	\$3,800,000
7-1-14 to 6-30-15	\$2,000,000	\$4,000,000
Beginning 7/1/15 limits will increase by Consumer Price Index every 7/1		

Any potential claim settlements will have a fiscal impact to the Risk Management Insurance Fund, and any costs will be passed on to all state agencies through allocated risk assessment charges administered by DAS.

Depending on the number and the complexity of cases, the Department of Justice (DOJ) and any state agencies that it defends will have additional costs. Based on the DAS Risk Management assumptions of very few applicable cases, DOJ anticipates being able to absorb the potential workload within existing resources. Additionally, the Judicial Department will have minimal costs for any lawsuits filed in circuit court.