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Testimony Before the House Committee on
Agriculture and Natural Resources
In Opposition to HB 2516
Arthur Towers
Oregon Trial Lawyers Association
February 23, 2017

Thank you very much the opportunity to testify today. The Oregon Trial Lawyers Association has no official position on the overall goals of HB 2516, although the preservation of our cultural heritage does seem very worthy.

However, we do object to Section 2(4)(c) which absolves a permit holder from responsibility if they negligently cause an injury to a visitor to an abandoned cemetery.

It is a very basic concept that if you hurt someone, you make it right. This provision on page 1 holds a permit holder harmless if their negligence leads to the injury of a visitor.

This one-size-fits-all justice runs directly counter to the constitutional right to a trial by jury. **Immunity means that the injured party is not even allowed to try to prove that their injury was caused by the wrongdoer.**

We entrust a panel of 12 ordinary citizens to hear both sides of the story, and reach a decision that sets a community standard for justice. We entrust juries to reach reasonable conclusions on issues such as whether or not to sentence someone to life imprisonment or the death penalty. If we entrust juries to reach decisions in situations as grave as these, surely we can entrust Oregonians who serve on juries to make decisions when a person is injured in an abandoned cemetery.

We want to be clear that we do not believe that every person injured in an abandoned cemetery should have their injury compensated by the permit holder. But we do strongly believe that every person so injured to should preserve their constitutional right to try to plead their case to a jury in their community. We urge you to delete Section 2 (4) (c) from this bill.