

A-Engrossed
House Bill 2357

Ordered by the Senate May 9
Including Senate Amendments dated May 9

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Attorney General Ellen Rosenblum)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Extends provisions relating to contempt of court by corporations to other entities that are not natural persons.

[Declares emergency, effective on passage.]

A BILL FOR AN ACT

1
2 Relating to contempt of court; creating new provisions; and amending ORS 33.025.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 33.025 is amended to read:

5 33.025. (1) The power of a court to impose a remedial or punitive sanction for contempt of court
6 is an inherent judicial power. ORS 33.015 to 33.155 establish procedures to govern the exercise of
7 that power.

8 (2) *[A corporation]* **An entity** is liable for contempt if:

9 (a) The conduct constituting contempt is engaged in by an agent of the *[corporation]* **entity**
10 while acting within the scope of employment and on behalf of the *[corporation]* **entity**;

11 (b) The conduct constituting contempt consists of an omission to discharge a specific duty of
12 affirmative performance imposed on *[corporations]* **an entity** by a court; or

13 (c) The conduct constituting contempt is engaged in, authorized, solicited, requested, commanded
14 or knowingly tolerated by *[the board of directors or by]* a high managerial agent **of an entity, the**
15 **board of directors of a corporation, a manager or member of a limited liability company or**
16 **a partner in a partnership**, acting within the scope of employment and on behalf of the *[corpo-*
17 *ration]* **entity**.

18 (3) The *[board of directors and high managerial agents shall be]* **high managerial agents of an**
19 **entity, the board of directors of a corporation, the managers and members of a limited li-**
20 **ability company and the partners in a partnership are** subject to the contempt powers of a court
21 for contempt by *[a corporation]* **an entity** if those persons engage in, authorize, solicit, request,
22 command or knowingly tolerate the conduct constituting contempt.

23 (4) As used in this section, *“agent” and “high managerial agent” have those meanings given in*
24 *ORS 161.170*;

25 (a) **“Agent” means a person who is authorized to act on behalf of an entity.**

26 (b) **“Entity” has the meaning given that term in ORS 63.001.**

27 (c) **“High managerial agent” means an officer of an entity who exercises authority with**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 respect to the formulation of policy or the supervision in a managerial capacity of subordi-
2 nate employees, or any other agent in a position of comparable authority.

3 (d) "Manager" and "member" have the meaning given those terms in ORS 63.001.

4 (e) "Partnership" has the meaning given that term in ORS 67.005.

5 **SECTION 2.** The amendments to ORS 33.025 by section 1 of this 2017 Act apply only to
6 sanctions imposed on and after the effective date of this 2017 Act.

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