

# House Bill 2357

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 **as introduced**.

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; amending ORS 33.025; and declaring an  
3 emergency.

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

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

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

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

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

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

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

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

24 (4) As used in this section[, "*agent*" and "*high managerial agent*" have those meanings given in  
25 *ORS 161.170*.]:

26 (a) **"Agent"** means a person who is authorized to act on behalf of an entity.

27 (b) **"Entity"** has the meaning given that term in ORS 63.001.

28 (c) **"High managerial agent"** means an officer of an entity who exercises authority with  
29 respect to the formulation of policy or the supervision in a managerial capacity of subordi-  
30 nate employees, or any other agent in a position of comparable authority.

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

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

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

5 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public  
6 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
7 on its passage.

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