

**SB 783 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 3/12

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**WHAT THE MEASURE DOES:**

Requires a copy of a complaint initiated under ORS 124.100 be mailed to the Attorney General at the time the action commences. States that a court may not enter a judgment for the plaintiff until proof of mailing is filed with the court.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 124.100(6) provides that a person commencing a civil action for the abuse of a vulnerable person must serve a copy of their complaint on the Attorney General within 30 days after the action is commenced. The notice provision was not intended to prevent vulnerable plaintiffs from proceeding with a meritorious case if the plaintiff fails to timely notify the Attorney General of the action. In a 2016 Court of Appeals case, *Bishop v. Waters*, 280 Or App 537, a plaintiff's claim was dismissed for failure to provide notice pursuant to the current language of the statute bringing attention to statute's unintended consequences.

Senate Bill 783 remedies this issue by removing the requirement that notice be filed prior to proceeding with a claim.