

## **SB 1040 -2, -4 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

---

**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 4/4, 4/9

---

#### **WHAT THE MEASURE DOES:**

Applies strict liability to owner, operator, or lessee of a quarry or mine located in Polk county and adjacent to the Willamette River for injuries resulting from bullets discharged on the property that stray outside of the property. Provides exemption if person discharged bullets was trespassing without knowledge of owner and owner took all reasonable measures to prevent trespassing. Attaches strict liability to person discharging firearm in quarry or mine for all injuries resulting from bullets straying off property. Allows injured person to bring action against city or county with jurisdiction over the quarry or mine if city or county failed to reasonably regulate the discharge of firearms from the property when city or county had notice that it was more probable than not that bullets had strayed off property. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-2 Removes cause of action against city or county. Narrows liability to those with active quarries across the Willamette River from the City of Keizer.

-4 Removes cause of action against city or county. Narrows liability to those with active quarries across the Willamette River from the City of Keizer. Removes strict liability. Requires notification to owner, operator, or lessee of property that bullets strayed off property and owner failed to take reasonable measures to prevent additional bullets from straying before liability attaches. Retains liability against person discharging firearm.

##### **BACKGROUND:**

The Willamette River serves as a natural boundary for several geographic designations. For example, it serves as a divider between Marion and Polk counties, with Polk county on the western bank and Marion county on the eastern bank. The town of Keizer, Oregon is located on the western bank of the Willamette in Marion county. In June, homeowners in Marion county experienced bullets entering their homes and property. The bullets likely came from firearms discharged in a rock quarry across the river in Polk county.

Senate Bill 1040 provides that strict liability falls upon an owner, operator, or lessee of a rock quarry or mine located in Polk county and adjacent to the Willamette for any injury arising from bullets discharged on that property that stray off the property. The measure provides an exemption if the person discharging the bullets were trespassing and the owner took reasonable measures to prevent trespassing. SB 1040 also applies strict liability to the person discharging the firearm. Finally, SB 1040 allows an action against the city or county if the entity had notice that it was more probable than not that bullets had strayed off the property in the county or city.