

**SB 783 A STAFF MEASURE SUMMARY**

**House Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 4/29, 5/2

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**WHAT THE MEASURE DOES:**

Requires a copy of a complaint initiated under ORS 124.100, civil action for abuse of a vulnerable person, be mailed to the Attorney General at the time the action commences or any time prior to the entry of judgment. Prohibits a court from entering 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 A remedies this issue by removing the requirement that notice be filed prior to proceeding with a claim.