

**Enrolled**  
**House Bill 2480**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

CHAPTER .....

AN ACT

Relating to legal proceedings; creating new provisions; amending ORS 40.450; and declaring an emergency.

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

**SECTION 1.** ORS 40.450 is amended to read:

40.450. As used in ORS 40.450 to 40.475, unless the context requires otherwise:

(1) A “statement” is:

- (a) An oral or written assertion; or
- (b) Nonverbal conduct of a person, if intended as an assertion.

(2) A “declarant” is a person who makes a statement.

(3) “Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(4) A statement is not hearsay if:

(a) The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement [is]:

(A) **Is** inconsistent with the testimony of the witness and was given under oath subject to the penalty of perjury at a trial, hearing or other proceeding, or in a deposition;

(B) **Is** consistent with the testimony of the witness and is offered to rebut an inconsistent statement or an express or implied charge against the witness of recent fabrication or improper influence or motive; [or]

(C) **Is** one of identification of a person made after perceiving the person[.]; **or**

(D) **Purports to interpret an otherwise admissible statement made by another person from one language into another.**

(b) The statement is offered against a party and is:

(A) That party’s own statement, in either an individual or a representative capacity;

(B) A statement of which the party has manifested the party’s adoption or belief in its truth;

(C) A statement by a person authorized by the party to make a statement concerning the subject;

(D) A statement by the party’s agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship; or

(E) A statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

(c) The statement is made in a deposition taken in the same proceeding pursuant to ORCP 39 I.

**SECTION 2.** The amendments to ORS 40.450 by section 1 of this 2019 Act apply to communications occurring on or after the effective date of this 2019 Act.

**SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

**Passed by House April 16, 2019**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 3, 2019**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State