

Senate Bill 367

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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**.

Provides that person who is arrested for or convicted of criminal offense for which person serves jail term or term of imprisonment and whose arrest or conviction court of competent jurisdiction vacates, reverses, sets aside or otherwise countermands because of negligent or reckless conduct in investigation, charging or prosecution of offense has cause of action against state for wrongful incarceration.

A BILL FOR AN ACT

1
2 Relating to actions for wrongful incarceration.

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

4 **SECTION 1. A person who is arrested for or convicted of a criminal offense for which**
5 **the person serves a jail term or term of imprisonment and whose arrest or conviction a**
6 **court of competent jurisdiction vacates, reverses, sets aside, or otherwise countermands,**
7 **because of negligent or reckless conduct in the investigation, charging or prosecution of the**
8 **offense has a cause of action against the state for wrongful incarceration. The person may**
9 **recover damages in an amount the court determines is reasonably proportional to the length**
10 **of the term of imprisonment that the person served.**

11

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.