

## **HB 2204 -10 STAFF MEASURE SUMMARY**

### **House Committee On Rules**

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**Meeting Dates:** 6/18

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

Specifies that a public safety officer who represents that the person is acting as an employee of a public body is acting within the scope of employment for purposes of Oregon Tort Claims Act. Increases limit of liability for state and local governments for acts or omissions of public safety officers to \$5 million for single claimants with yearly adjustment after July 1, 2022. Removes aggregate liability limitation for state and local governments for acts or omissions of public safety officers. Allows action for person injured as a result of police officer failure to intervene or report misconduct. Requires award of attorney fees for prevailing plaintiff. Allows award of attorney fees to prevailing defendant if court determines plaintiff's claim was frivolous, unreasonable, or without foundation. Requires report of misconduct to be in writing. Requires Department of Public Safety Standards and Training (DPSST) to include settlements of civil claims involving police misconduct within statewide online database of suspensions and revocations of certifications. Requires DPSST to investigate any report of settlement to determine whether discipline against officer who was the subject of the settlement is warranted.

#### **ISSUES DISCUSSED:**

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

-10 Replaces measure. Directs the Oregon Criminal Justice Commission (CJC) to establish a program to award grants to public and private entities for restorative justice programs and to adopt rules to administer the grant program. Specifies that the adopted rules must define restorative justice for the purpose of grant eligibility and specify the application process and eligibility criteria. To be eligible, requires candidates to demonstrate in the application coordination with community-based organizations and the ability to work collaboratively with system partners, including local law enforcement entities, courts, district attorneys and defense attorneys. Further requires an applicant demonstrate how the applicant will center the experiences of those harmed, encourage those who have caused harm to take responsibility and repair the harm, and support persons who have been harmed, impacted community members and responsible parties in identifying solutions that promote healing, including promoting dialogue and mutual agreement. Requires the CJC to convene an advisory committee to evaluate and approve grant awards established by this measure. Directs CJC to report to Legislative Assembly concerning the CJC's progress in adopting rules and convening an advisory committee as directed no later than September 15, 2022.

##### **BACKGROUND:**

The Oregon Tort Claims Act makes public bodies liable for the torts of its officers, agents, and employees acting within the scope of their duties but limits the amount of damages that can be awarded against the public body. Claims against a state body for claims arising between July 1, 2020 and July 1, 2021 are currently capped at \$2.3 million for single claimants and \$4.6 million for all claims arising out of an occurrence. Claims against local governments are capped at approximately \$770,000 for single claimants and \$1.5 million for all claims arising out of an occurrence. The caps increase each year based on changes to the Consumer Price Index.

House Bill 2204 increases the cap for damages against state and local governments for claims against public safety officers to \$5 million for single claimants and unlimited for all claims arising out of an occurrence and allows an award of attorney fees to prevailing plaintiffs. Additionally, the measure allows a cause of action to be brought for

persons injured by an officer's failure to report misconduct or failure to intervene in misconduct by another officer. HB 2204 requires Department of Public Safety Standards and Training (DPSST) to include settlements of civil claims involving police officers within its database of suspensions or revocations of certifications and requires DPSST to investigate reported settlements to determine whether discipline against the officer who was the subject of the settlement is warranted.

PRELIMINARY