

SB 193 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/13/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-2-1-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 2 - Linthicum, Thatcher
Exc: 1 - Heard
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 4/6, 4/13

WHAT THE MEASURE DOES:

Makes statutory modifications based on recent U.S. Supreme Court and Oregon Supreme Court decisions. Requires guilty verdict must be by unanimous agreement and not guilty verdict by concurrence of at least 10 of 12 jurors. Removes statutory cap on noneconomic damages for claims for bodily injury. Retains cap on noneconomic damages for wrongful death.

ISSUES DISCUSSED:

- Unanimous jury guilty verdict addressed in *Ramos v Louisiana*, 140 S. Ct. 1390 (2020)
- Not guilty verdict needs 10 of 12 jurors
- Noneconomic damages cap found to deprive claimant of right to a remedy
- Cap still applies in wrongful death claims and Oregon Tort Claims Act
- Scope of holding in *Busch v McInnis Waste Sys.*, 366, OR 628 (2020)
- Provisions of measure are not retroactive

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In 2020, the Supreme Court of the United States in *Ramos v Louisiana*, 140 S. Ct. 1390 (2020) found that guilty verdicts in criminal cases must be a unanimous jury verdict. The Oregon Supreme Court found that the cap on the amount of noneconomic damages that could be awarded to an injured party in a bodily injury case deprived the party of their right to a remedy under Article 1, Section 10 of the Oregon Constitution.

Senate Bill 193 A makes statutory revisions based on the two court decisions. First, it updates ORS 136.450 to require unanimous agreement of jurors for a verdict of guilty and concurrence of at least 10 of 12 jurors for a verdict of not guilty. The measure also repeals the cap on noneconomic damages for nonwrongful death injury claims.