

Minority Report
A-Engrossed
Senate Bill 193

Ordered by the Senate April 26
Including Senate Minority Report Amendments dated April 26

Sponsored by nonconcurring members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation: Senators LINTHICUM, THATCHER

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.

[Directs State Court Administrator to study issues relating to courts and report to committee or interim committee of Legislative Assembly no later than December 31, 2022.]

Provides that jury in criminal action may render verdict of guilty only by unanimous agreement, and verdict of not guilty only by concurrence of at least 10 of 12 jurors.

Establishes Task Force on Noneconomic Damages. Directs task force to report to appropriate committee or interim committee of Legislative Assembly no later than September 15, 2023.

Sunsets task force on December 31, 2023.

A BILL FOR AN ACT

Relating to courts; creating new provisions; and amending ORS 136.450.

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

SECTION 1. ORS 136.450 is amended to read:

136.450. *[The verdict of a trial jury in a criminal action shall be by concurrence of at least 10 of 12 jurors.]*

(1) A jury in a criminal action may render a verdict of guilty only by unanimous agreement.

(2) A jury in a criminal action may render a verdict of not guilty only by a concurrence of at least 10 of 12 jurors.

SECTION 2. **(1) The Task Force on Noneconomic Damages is established.**

(2) The task force consists of 13 members appointed as follows:

(a) The President of the Senate shall appoint two members from among members of the Senate who represent different parties.

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives who represent different parties.

(c) The President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives shall jointly appoint:

(A) One member representing business.

(B) One member who represents the insurance industry.

(C) One member representing trial lawyers.

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.

1 (D) One member who represents the health care industry.

2 (E) One current or former judge with experience in noneconomic damages.

3 (F) One member representing physicians.

4 (G) One member representing organized labor.

5 (H) One member representing consumers.

6 (I) One member with lived experience who received an award of noneconomic damages.

7 (3) The task force shall study:

8 (a) The appropriate limitation on noneconomic damages for claims in civil actions seeking
9 damages arising out of bodily injury, including emotional injury or distress, or property
10 damage.

11 (b) The basis for the limitation on noneconomic damages determined under paragraph (a)
12 of this subsection that ensures that the limitation does not violate Article I, section 10, of
13 the Oregon Constitution.

14 (4) A majority of the voting members of the task force constitutes a quorum for the
15 transaction of business.

16 (5) Official action by the task force requires the approval of a majority of the voting
17 members of the task force.

18 (6) The task force shall elect one of its members to serve as chairperson.

19 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
20 ment to become immediately effective.

21 (8) The task force shall meet at times and places specified by the call of the chairperson
22 or of a majority of the voting members of the task force.

23 (9) The task force may adopt rules necessary for the operation of the task force.

24 (10) The task force shall submit a report in the manner provided in ORS 192.245, and may
25 include recommendations for legislation, to an appropriate committee or interim committee
26 of the Legislative Assembly no later than September 15, 2023.

27 (11) Members of the Legislative Assembly appointed to the task force are nonvoting
28 members of the task force and may act in an advisory capacity only.

29 (12) Members of the task force who are not members of the Legislative Assembly are not
30 entitled to compensation or reimbursement for expenses and serve as volunteers on the task
31 force.

32 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
33 the task force in the performance of the duties of the task force and, to the extent permitted
34 by laws relating to confidentiality, to furnish information and advice the members of the task
35 force consider necessary to perform their duties.

36 **SECTION 3.** Section 2 of this 2021 Act is repealed on December 31, 2023.

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