

Requested by Senator THATCHER

**PROPOSED MINORITY REPORT AMENDMENTS TO
SENATE BILL 193**

1 In line 2 of the printed bill, before the period insert “; creating new pro-
2 visions; and amending ORS 136.450”.

3 Delete lines 4 through 6 and insert:

4 **“SECTION 1.** ORS 136.450 is amended to read:

5 “136.450. [*The verdict of a trial jury in a criminal action shall be by con-*
6 *currence of at least 10 of 12 jurors.*]

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

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

11 **“SECTION 2. (1) The Task Force on Noneconomic Damages is es-**
12 **tablished.**

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

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

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

19 **“(c) The President of the Senate, the Speaker of the House of Rep-**
20 **resentatives, the Minority Leader of the Senate and the Minority**
21 **Leader of the House of Representatives shall jointly appoint:**

- 1 **“(A) One member representing business.**
- 2 **“(B) One member who represents the insurance industry.**
- 3 **“(C) One member representing trial lawyers.**
- 4 **“(D) One member who represents the health care industry.**
- 5 **“(E) One current or former judge with experience in noneconomic**
6 **damages.**
- 7 **“(F) One member representing physicians.**
- 8 **“(G) One member representing organized labor.**
- 9 **“(H) One member representing consumers.**
- 10 **“(I) One member with lived experience who received an award of**
11 **noneconomic damages.**
- 12 **“(3) The task force shall study:**
- 13 **“(a) The appropriate limitation on noneconomic damages for claims**
14 **in civil actions seeking damages arising out of bodily injury, including**
15 **emotional injury or distress, or property damage.**
- 16 **“(b) The basis for the limitation on noneconomic damages deter-**
17 **mined under paragraph (a) of this subsection that ensures that the**
18 **limitation does not violate Article I, section 10, of the Oregon Consti-**
19 **tution.**
- 20 **“(4) A majority of the voting members of the task force constitutes**
21 **a quorum for the transaction of business.**
- 22 **“(5) Official action by the task force requires the approval of a**
23 **majority of the voting members of the task force.**
- 24 **“(6) The task force shall elect one of its members to serve as**
25 **chairperson.**
- 26 **“(7) If there is a vacancy for any cause, the appointing authority**
27 **shall make an appointment to become immediately effective.**
- 28 **“(8) The task force shall meet at times and places specified by the**
29 **call of the chairperson or of a majority of the voting members of the**
30 **task force.**

1 “(9) The task force may adopt rules necessary for the operation of
2 the task force.

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

7 “(11) Members of the Legislative Assembly appointed to the task
8 force are nonvoting members of the task force and may act in an ad-
9 visory capacity only.

10 “(12) Members of the task force who are not members of the Leg-
11 islative Assembly are not entitled to compensation or reimbursement
12 for expenses and serve as volunteers on the task force.

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

18 “SECTION 3. Section 2 of this 2021 Act is repealed on December 31,
19 2023.”.

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