

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 2519**

1 On page 1 of the printed bill, line 2, delete “692.375” and insert “97.990”.

2 In line 6, after “not” insert “knowingly”.

3 Delete lines 20 through 30 and delete page 2 and insert:

4 **“SECTION 3. (1) The estate of a decedent whose remains are dis-**
5 **played in violation of section 2 of this 2023 Act may bring a civil action**
6 **for injunctive relief, damages or other appropriate relief against any**
7 **person whose conduct in connection with the display is unlawful under**
8 **section 2 of this 2023 Act.**

9 **“(2) Upon prevailing in an action brought under this section, the**
10 **plaintiff may recover:**

11 **“(a) Both special and general damages, including damages for**
12 **emotional distress; and**

13 **“(b) Punitive damages.**

14 **“(3)(a) The court shall award reasonable attorney fees to the pre-**
15 **vailing plaintiff in an action brought under this section.**

16 **“(b) The court may award reasonable attorney fees and expert wit-**
17 **ness fees incurred by a defendant who prevails in the action if the**
18 **court determines that the plaintiff had no objectively reasonable basis**
19 **for asserting a claim or no reasonable basis for appealing an adverse**
20 **decision of a trial court.**

21 **“SECTION 4. ORS 97.990 is amended to read:**

1 “97.990. (1) Violation of ORS 97.160 or **section 2 of this 2023 Act** is a
2 Class A misdemeanor.

3 “(2) Every officer, agent or employee of this state or of any county, city
4 or any other municipal subdivision thereof who willfully neglects to notify
5 the State Mortuary and Cemetery Board of the existence of a body as re-
6 quired by ORS 97.170 to 97.210 or who refuses to deliver possession of such
7 body according to the provisions of ORS 97.170 to 97.210 or who mutilates
8 or permits any such body to be mutilated so that it is not valuable for ana-
9 tomical purposes or who refuses or neglects to perform any of the duties
10 enjoined upon the officer, agent or employee by ORS 97.170 to 97.210, com-
11 mits a Class A misdemeanor.

12 “(3) Violation of ORS 97.520, 97.530 or 97.540 is a Class A misdemeanor.

13 “(4) Any person, association or corporation who operates a cemetery,
14 mausoleum or columbarium contrary to the provisions of ORS 97.020 to
15 97.040, 97.110 to 97.130, 97.145, 97.150, 97.220, 97.310 to 97.360 (1), 97.440, 97.510
16 to 97.560, 97.710, 97.720, 97.810, 97.820, 97.830 and 97.840 to 97.846 commits a
17 Class B misdemeanor.

18 “(5)(a) Violation of ORS 97.745 is a Class C felony.

19 “(b) In addition to any other sentence provided by law for criminal vio-
20 lations of ORS 97.745, the judge shall impose a penalty not to exceed \$10,000
21 on any person convicted of a criminal violation of ORS 97.745.

22 “(6) In addition to the penalty of subsection (5) of this section, any native
23 Indian artifacts or human remains taken by, or in possession of, any person
24 sentenced under subsection (5) of this section and all equipment used in the
25 violation may be ordered forfeited by the court in which conviction occurs,
26 and may be disposed of as the court directs.

27 **“SECTION 5. Sections 2 and 3 of this 2023 Act and the amendments**
28 **to ORS 97.990 by section 4 of this 2023 Act apply to conduct occurring**
29 **on or after the effective date of this 2023 Act.**

30 **“SECTION 6. This 2023 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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