

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jason Kropf)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2519**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;
2 amending ORS 692.375;”.

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

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

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

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

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

14 **“(b) Punitive damages.**

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

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

1 **“SECTION 4. Sections 2 and 3 of this 2023 Act apply to conduct oc-**
2 **curring on or after the effective date of this 2023 Act.**

3 **“SECTION 5. This 2023 Act being necessary for the immediate**
4 **preservation of the public peace, health and safety, an emergency is**
5 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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