

House Bill 2302

Sponsored by Representatives MANNIX, WRIGHT (Presession filed.)

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act expands who can bring a civil action for abuse of a vulnerable person. (Flesch Readability Score: 61.8).

Modifies the definition of "vulnerable person" for purposes of civil action for abuse of a vulnerable person to include individuals under 18 years of age.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to abuse of vulnerable persons; creating new provisions; amending ORS 124.100 and 124.130;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 124.100 is amended to read:

6 124.100. (1) As used in ORS 124.100 to 124.140:

7 (a) "Elderly person" means a person 65 years of age or older.

8 (b) "Financially incapable" has the meaning given that term in ORS 125.005.

9 (c) "Incapacitated" has the meaning given that term in ORS 125.005.

10 (d) "Person with a disability" means a person with a physical or mental impairment that:

11 (A) Is likely to continue without substantial improvement for no fewer than 12 months or to
12 result in death; and

13 (B) Prevents performance of substantially all the ordinary duties of occupations in which an
14 individual not having the physical or mental impairment is capable of engaging, having due regard
15 to the training, experience and circumstances of the person with the physical or mental impairment.

16 (e) "Vulnerable person" means:

17 (A) An elderly person;

18 (B) A financially incapable person;

19 (C) An incapacitated person; *[or]*

20 (D) A person with a disability who is susceptible to force, threat, duress, coercion, persuasion
21 or physical or emotional injury because of the person's physical or mental impairment; **or**

22 **(E) A person who has not attained 18 years of age.**

23 (2) A vulnerable person who suffers injury, damage or death by reason of physical abuse or fi-
24 nancial abuse may bring an action against any person who has caused the physical or financial
25 abuse or who has permitted another person to engage in physical or financial abuse. The court shall
26 award the following to a plaintiff who prevails in an action under this section:

27 (a) An amount equal to three times all economic damages, as defined in ORS 31.705, resulting
28 from the physical or financial abuse, or \$500, whichever amount is greater.

29 (b) An amount equal to three times all noneconomic damages, as defined in ORS 31.705, resulting

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 from the physical or financial abuse.

2 (c) Reasonable attorney fees incurred by the plaintiff.

3 (d) Reasonable fees for the services of a conservator or guardian ad litem incurred by reason
4 of the litigation of a claim brought under this section.

5 (3) An action may be brought under this section only by:

6 (a) A vulnerable person;

7 (b) A guardian, conservator or attorney-in-fact for a vulnerable person;

8 (c) A personal representative for the estate of a decedent who was a vulnerable person at the
9 time the cause of action arose; or

10 (d) A trustee for a trust on behalf of the trustor or the spouse of the trustor who is a vulnerable
11 person.

12 (4) An action may be brought under this section only for physical abuse described in ORS
13 124.105 or for financial abuse described in ORS 124.110.

14 (5) An action may be brought under this section against a person for permitting another person
15 to engage in physical or financial abuse if the person knowingly acts or fails to act under circum-
16 stances in which a reasonable person should have known of the physical or financial abuse.

17 (6) A person commencing an action under this section shall mail a copy of the complaint or
18 other initial pleading to the Attorney General at the time the action commences. Failure to mail a
19 copy of the complaint or pleading is not a jurisdictional defect and may be cured at any time prior
20 to entry of judgment. A court may not enter judgment for the plaintiff until proof of mailing is filed
21 with the court. Proof of mailing may be by declaration or by return receipt of mailing.

22 **SECTION 2.** ORS 124.130 is amended to read:

23 124.130. **Notwithstanding ORS 12.117**, an action under ORS 124.100 to 124.140 must be com-
24 menced within seven years after discovery of the conduct described in ORS 124.105 and 124.110 that
25 gives rise to a cause of action under ORS 124.100 to 124.140.

26 **SECTION 3. The amendments to ORS 124.100 and 124.130 by sections 1 and 2 of this 2025**
27 **Act apply to physical or financial abuse that occurs before, on or after the effective date of**
28 **this 2025 Act for the purpose of actions and proceedings that are pending on the effective**
29 **date of this 2025 Act or that are commenced on or after the effective date of this 2025 Act,**
30 **but do not operate to revive a cause of action barred by the operation of ORS 12.160 or**
31 **124.130 before the effective date of this 2025 Act.**

32 **SECTION 4. This 2025 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
34 **on its passage.**

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