



Legislative Fiscal Office
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Bill Title: Relating to civil rights; prescribing an effective date.

Government Unit(s) Affected: Department of Justice, Judicial Department, Department of Administrative Services, Counties, Cities

Summary of Fiscal Impact: Costs related to the measure are indeterminate at this time - see explanatory analysis.

Measure Description

The measure creates a civil cause of action for an individual who has been deprived of any rights, privileges or immunities by another person who, under the color of law, violates the United States Constitution. The measure allows for the recovery of economic and noneconomic damages and directs the court to award reasonable attorney fees and costs to a prevailing plaintiff. Additionally, the court may award reasonable attorney fees and costs to a defendant for defending any claims to be found by the court to be frivolous, unreasonable or without foundation.

Fiscal Analysis

The fiscal impact of the measure is indeterminate and dependent on the number of suits filed and amounts awarded to prevailing plaintiffs.

Oregon Judicial Department

The fiscal impact to the Oregon Judicial Department (OJD) is indeterminate. Under the measure, it is anticipated that there will be an increase of civil filings within the courts. While the exact amount of new case filings is indeterminate, it is anticipated this increase may be minimal.

Department of Justice

The fiscal impact to the Department of Justice (DOJ) is indeterminate. Under the measure, the Trial Division may see an increase in defense services of state entities who have a civil suit filed against them due to their work "under the color of law". Additionally, there may be an increase of cases defended by the Appellate Division if any subsequent cases were challenged and brought to the Oregon Court of Appeals. While the exact number of cases is indeterminate, it is anticipated that the increase may be minimal.

Department of Administrative Services

The fiscal impact to the Department of Administrative Services (DAS) is indeterminate and dependent on the amount of damages awarded to prevailing plaintiffs by the court that would result in an impact on the DAS Insurance Fund. The Insurance fund is used for payment of claims and certain lawsuits filed against the State of Oregon, defense of claims, state property losses, and commercial insurance. Income for the fund is derived primarily from risk charges, which are approved by the Legislature, and allocated among agencies based on their exposure to risk and recent claims experience. Since the number of new claims is indeterminate, the impact to DAS risk management and the DAS Insurance Fund is unknown until there is case law established to accurately forecast the impacts.

Cities

The fiscal impact to cities is indeterminate and dependent on the number of civil cases brought to court and the amount awarded in any claim determined to be in the favor of the plaintiff. While the exact numbers are indeterminate, cities are estimating that this could result in a substantial increase in litigation costs according to their risk pool.

Other entities

There is no anticipated fiscal impact to counties.

Relevant Dates

The measure takes effect on the 91st day after sine die.