

SB 1563 STAFF MEASURE SUMMARY**Carrier:** Sen. Hayden**Senate Committee On Judiciary****Minority Report****Action Date:** 02/16/26**Action:** Do pass.**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Report Signers:** Sen. Thatcher, Sen. Mclane**Prepared By:** Tisha Pascone, LPRO Analyst**Meeting Dates:** 2/4, 2/16, 2/16**WHAT THE MEASURE DOES:**

The measure creates a civil cause of action for the deprivation of any rights, privileges, or immunities secured by the Oregon Constitution or Oregon laws by a person who is acting under the color of state or local laws, ordinances, or rules. It provides for economic and non-economic damages, injunctive or other equitable relief, and attorney fees and costs for a prevailing plaintiff. It also permits a court to award a prevailing defendant's attorney fees and costs if the court determines the plaintiff's claim was frivolous, unreasonable, or without foundation. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Federal case law regarding suing federal actors
- History of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Federal law permits civil actions for the deprivation of an individual's rights, privileges, or immunities secured by the U.S. Constitution and laws by any person acting under the color of state law (see 42 U.S.C. Section 1983, referred to as "Section 1983"). Government officials can be sued in their official capacities and be held personally liable. The plaintiff must assert the violation of a federal constitutional provision or a federal law that unmistakably confers individual rights onto the class of beneficiaries to which the plaintiff belongs.

The Oregon Tort Claims Act (OTCA) partially waived sovereign immunity and provided capped remedies for personal or property injuries in tort claims against state and local government bodies (see ORS 30.260 to ORS 30.300). However, no specific right of action currently exists to award damages for the deprivation of rights guaranteed by the Oregon Constitution. Laws, regulations, and government actions may be challenged as unconstitutional and thereby be rendered unenforceable as written or as applied. A person can also ask the court to make a declaration as to the person's rights and whether another person's action is unconstitutional or unlawful (see ORS 28.010 to ORS 28.160). The court may grant further relief based on a declaratory judgment "whenever necessary and proper" (see ORS 28.080).