

Requested by Representative MUNOZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 4114**

On page 1 of the printed bill, delete lines 4 through 23 and delete pages 2 through 4 and insert:

“SECTION 1. (1) As used in this section:

“(a) ‘Property’ means:

“(A) Buildings, structures, land and curtilage;

“(B) Vehicles located on private property;

“(C) A protected space;

“(D) Any place where a person has a reasonable expectation of privacy; or

“(E) A vehicle in a location where the owner of the vehicle has a reasonable expectation of privacy.

“(b) ‘Protected space’ means:

“(A) A church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship.

“(B) A school or other educational facility.

“(C) A facility that provides medical treatment.

“(2) An owner or occupant of property, or a person lawfully present on property with a reasonable expectation of privacy, may bring a cause of action against an individual who under color of law enters the property without a warrant for which the issuing authority is a court, if a judicially recognized exception to the warrant requirement does

1 not apply.

2 “(3) A plaintiff who prevails in a cause of action under this section
3 may recover:

4 “(a) The greater of:

5 “(A) Actual economic and noneconomic damages; or

6 “(B) The sum of the following:

7 “(i) \$15,000.

8 “(ii) \$15,000, if the defendant entered protected space.

9 “(iii) \$25,000, if the defendant used excessive or unlawful force in
10 entering the property.

11 “(iv) \$15,000, if the defendant entered the property between the
12 hours of 10 p.m. and 6 a.m.

13 “(v) \$25,000, if the plaintiff is:

14 “(I) Under 18 years of age;

15 “(II) 65 years of age or older;

16 “(III) A person with a mental or physical disability;

17 “(IV) Pregnant; or

18 “(V) A person with a serious medical condition requiring ongoing
19 treatment.

20 “(b) Equitable relief and any other appropriate relief.

21 “(4)(a) In an action brought under this section, the court shall
22 award reasonable attorney fees and costs to a prevailing plaintiff. In
23 an action for injunctive relief under this section, the court shall deem
24 a plaintiff to have prevailed if the plaintiff’s suit was a substantial
25 factor or significant catalyst in obtaining the results sought by the
26 litigation.

27 “(b) The court may award reasonable attorney fees and costs to a
28 defendant in an action under this section for defending any claims the
29 court finds frivolous.

30 “(5) A person may not bring an action under this section against a

1 person subject to suit for the injury under 42 U.S.C. 1983, including
2 but not limited to a law enforcement agency or an officer, as those
3 terms are defined in ORS 181A.822.

4 “(6) An action under this section must be commenced within two
5 years after the cause of action accrues.

6 “SECTION 2. This 2026 Act being necessary for the immediate
7 preservation of the public peace, health and safety, an emergency is
8 declared to exist, and this 2026 Act takes effect on its passage.”.
