

House Bill 2644

Sponsored by Representative WITT; Senator JOHNSON (Pre-session 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**.

Provides that public body and its officers, employees and agents are not immune from liability for wrongful death of person who is covered by workers' compensation law if death occurred in course and scope of decedent's employment, death occurred as result of conduct of another person who is subsequently convicted of murder or found guilty except for insanity of murder and decedent was not employed by public body at time of death.

Sunset January 2, 2017.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to claims for wrongful death; and declaring an emergency.

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

4 **SECTION 1. ORS 30.265 (6)(a) does not apply to a claim for wrongful death against the**
5 **state if:**

6 (1) **The death occurred in the course and scope of the decedent's employment;**

7 (2) **The death occurred as a result of the conduct of another person who is subsequently**
8 **convicted of murder or found guilty except for insanity of murder; and**

9 (3) **The decedent was not employed by a public body at the time of death.**

10 **SECTION 2. Section 1 of this 2015 Act is repealed on January 2, 2017.**

11 **SECTION 3. (1) Section 1 of this 2015 Act applies only to claims based on a crime of**
12 **murder committed on or after May 1, 2012.**

13 (2) **If section 1 of this 2015 Act operates to revive a claim that was barred under ORS**
14 **30.265 (6)(a) before the effective date of this 2015 Act, the person asserting the claim must**
15 **commence the action asserting the claim within one year after the effective date of this 2015**
16 **Act.**

17 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
19 **on its passage.**

20

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.