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77th LEGISLATIVE ASSEMBLY
HOUSE COMMITTEE ON JUDICIARY

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April 17, 2013

Dear House Judiciary members:

Our committee heard HB 2581 on April 12. As you are aware the bill is in response to the tragic situation where a home care worker was murdered delivering medication to a person under court ordered supervision under the jurisdiction of the PSRB.

The attorney who presented testimony, Michael Sahagian, represented the estate of Jennifer Warren, the victim in a wrongful death action against the PSRB but has run into legal roadblocks because of the interactions between the Oregon Tort Claims Act and the Oregon Workers' Compensation System.

HB 2581 was intended to remove that obstacle and allow a wrongful death lawsuit. Unfortunately, during and after the hearing we have received more information about how changing part of the Workers Compensation System and the Oregon Tort Claims Act system may have unintended consequences.

As a result, I have determined that an interim work group with representation from the Governor's office and the Management Labor Advisory Committee that includes Michael Sahagian with direction to bring back a bill for consideration in the February 2014 session would be the best course at this point.

HB 2581 will not move at this time. However, I am firmly committed to solving the problem that the bill identifies. It is imperative that tragic situations like this that are caused by the negligence of public bodies have redress beyond what is allowed under the death benefit of the Oregon Workers Compensation system.

Sincerely,

Jeff Barker

Chair House Judiciary Committee