

Enrolled
House Bill 2357

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Attorney General Ellen Rosenblum)

CHAPTER

AN ACT

Relating to contempt of court; creating new provisions; and amending ORS 33.025.

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

SECTION 1. ORS 33.025 is amended to read:

33.025. (1) The power of a court to impose a remedial or punitive sanction for contempt of court is an inherent judicial power. ORS 33.015 to 33.155 establish procedures to govern the exercise of that power.

(2) [A *corporation*] **An entity** is liable for contempt if:

(a) The conduct constituting contempt is engaged in by an agent of the [*corporation*] **entity** while acting within the scope of employment and on behalf of the [*corporation*] **entity**;

(b) The conduct constituting contempt consists of an omission to discharge a specific duty of affirmative performance imposed on [*corporations*] **an entity** by a court; or

(c) The conduct constituting contempt is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by [*the board of directors or by*] a high managerial agent **of an entity, the board of directors of a corporation, a manager or member of a limited liability company or a partner in a partnership**, acting within the scope of employment and on behalf of the [*corporation*] **entity**.

(3) The [*board of directors and high managerial agents shall be*] **high managerial agents of an entity, the board of directors of a corporation, the managers and members of a limited liability company and the partners in a partnership are** subject to the contempt powers of a court for contempt by [*a corporation*] **an entity** if those persons engage in, authorize, solicit, request, command or knowingly tolerate the conduct constituting contempt.

(4) As used in this section[, "*agent*" and "*high managerial agent*" have those meanings given in ORS 161.170.]:

(a) **"Agent" means a person who is authorized to act on behalf of an entity.**

(b) **"Entity" has the meaning given that term in ORS 63.001.**

(c) **"High managerial agent" means an officer of an entity who exercises authority with respect to the formulation of policy or the supervision in a managerial capacity of subordinate employees, or any other agent in a position of comparable authority.**

(d) **"Manager" and "member" have the meaning given those terms in ORS 63.001.**

(e) **"Partnership" has the meaning given that term in ORS 67.005.**

SECTION 2. The amendments to ORS 33.025 by section 1 of this 2017 Act apply only to sanctions imposed on and after the effective date of this 2017 Act.

Passed by House February 22, 2017

Repassed by House May 16, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 11, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State