

SB 193 A -A7, -A9, -A10 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 5/25, 6/3

WHAT THE MEASURE DOES:

Removes statutory cap on noneconomic damages for claims for bodily injury. Retains cap on noneconomic damages for wrongful death. Corrects statutory references to definitions of noneconomic and economic damages. Requires jury in a criminal action to render a verdict of guilty only by unanimous agreement and a verdict of not guilty only by a concurrence of at least 10 of 12 jurors.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

Senate Vote: Ayes, 17; Nays, 10--Anderson, Boquist, Girod, Hansell, Johnson, Knopp, Linthicum, Robinson, Thatcher, Thomsen;

ISSUES DISCUSSED:

- Measure does not make unanimous jury change retroactive
- Explanation for different threshold for not guilty verdicts
- Future conversation about noneconomic damage caps
- Rights for defendants and victims in jury thresholds

EFFECT OF AMENDMENT:

-A7 Corrects statutory reference for definition of economic damages. Clarifies that jury verdict thresholds in section 11 apply to verdicts in criminal actions rendered on or after effective date.

-A9 Replaces the measure. Requires jury in a criminal action to render a verdict of guilty only by unanimous agreement and a verdict of not guilty only by a concurrence of at least 10 of 12 jurors.

-A10 Replaces the measure. Requires jury in a criminal action to render a verdict of guilty only by unanimous agreement and a verdict of not guilty only by a concurrence of at least 10 of 12 jurors. Requires Oregon Law Commission to study impact of *Busch v. McClinnis Waste Systems, Inc.*, 366 Or. 628 (2020), on the law surrounding limitations on noneconomic damages and report to Legislative Assembly no later than September 15, 2022.

BACKGROUND:

In 2020, the Supreme Court of the United States in *Ramos v Louisiana*, 140 S. Ct. 1390 (2020) found that guilty verdicts in criminal cases must be a unanimous jury verdict. The Oregon Supreme Court found that the cap on the amount of noneconomic damages that could be awarded to an injured party in a bodily injury case deprived the party of their right to a remedy under Article 1, Section 10 of the Oregon Constitution.

Senate Bill 193 A makes statutory revisions based on the two court decisions. First, it updates ORS 136.450 to require unanimous agreement of jurors for a verdict of guilty and concurrence of at least 10 of 12 jurors for a verdict of not guilty. The measure also removes the statutory cap on noneconomic damages for claims for bodily injury, but retains the cap on noneconomic damages for wrongful death claims.