

SB 193 A STAFF MEASURE SUMMARY

Carrier: Rep. Power

House Committee On Rules

Action Date: 06/03/21

Action: Do pass the A-Eng bill.

Vote: 4-3-0-0

Yeas: 4 - Fahey, Holvey, Salinas, Smith Warner

Nays: 3 - Bonham, Drazan, Zika

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Melissa Leoni, LPRO Analyst

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. 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.

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

No amendment.

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. Separately, the Oregon Supreme Court found in *Busch v. McClinnis Waste Systems, Inc.*, 366 Or. 628 (2020) 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 these 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.