

**SB 193 B STAFF MEASURE SUMMARY**

**Carrier:** Rep. Bonham

**House Committee On Rules**

**Minority Report**

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**Action Date:** 06/03/21

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.) Minority

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Report Signers:** Rep. Daniel Bonham, Rep. Christine Drazan

**Prepared By:** Melissa Leoni, LPRO Analyst

**Meeting Dates:** 5/25, 6/3

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**WHAT THE MEASURE DOES:**

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. McInnis 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.

**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:**

Replaces the measure.

**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 in *Busch v. McInnis 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 MRB 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 and requires the Oregon Law Commission to study the impact of *Busch v. McInnis Waste Systems, Inc.* on the law surrounding limitations on noneconomic damages and report to Legislative Assembly no later than September 15, 2022.