

## SENATE MINORITY REPORT AMENDMENTS TO SENATE BILL 193

By Nonconcurring Members of COMMITTEE ON JUDICIARY AND BALLOT  
MEASURE 110 IMPLEMENTATION

April 26

1 In line 2 of the printed bill, before the period insert “; creating new provisions; and amending  
2 ORS 136.450”.

3 Delete lines 4 through 6 and insert:

4 “**SECTION 1.** ORS 136.450 is amended to read:

5 “136.450. [*The verdict of a trial jury in a criminal action shall be by concurrence of at least 10 of*  
6 *12 jurors.*]

7 “(1) A jury in a criminal action may render a verdict of guilty only by unanimous agree-  
8 ment.

9 “(2) A jury in a criminal action may render a verdict of not guilty only by a concurrence  
10 of at least 10 of 12 jurors.

11 “**SECTION 2.** (1) The Task Force on Noneconomic Damages is established.

12 “(2) The task force consists of 13 members appointed as follows:

13 “(a) The President of the Senate shall appoint two members from among members of the  
14 Senate who represent different parties.

15 “(b) The Speaker of the House of Representatives shall appoint two members from among  
16 members of the House of Representatives who represent different parties.

17 “(c) The President of the Senate, the Speaker of the House of Representatives, the Mi-  
18 nority Leader of the Senate and the Minority Leader of the House of Representatives shall  
19 jointly appoint:

20 “(A) One member representing business.

21 “(B) One member who represents the insurance industry.

22 “(C) One member representing trial lawyers.

23 “(D) One member who represents the health care industry.

24 “(E) One current or former judge with experience in noneconomic damages.

25 “(F) One member representing physicians.

26 “(G) One member representing organized labor.

27 “(H) One member representing consumers.

28 “(I) One member with lived experience who received an award of noneconomic damages.

29 “(3) The task force shall study:

30 “(a) The appropriate limitation on noneconomic damages for claims in civil actions  
31 seeking damages arising out of bodily injury, including emotional injury or distress, or  
32 property damage.

33 “(b) The basis for the limitation on noneconomic damages determined under paragraph  
34 (a) of this subsection that ensures that the limitation does not violate Article I, section 10,

1 of the Oregon Constitution.

2 “(4) A majority of the voting members of the task force constitutes a quorum for the  
3 transaction of business.

4 “(5) Official action by the task force requires the approval of a majority of the voting  
5 members of the task force.

6 “(6) The task force shall elect one of its members to serve as chairperson.

7 “(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
8 ment to become immediately effective.

9 “(8) The task force shall meet at times and places specified by the call of the chairperson  
10 or of a majority of the voting members of the task force.

11 “(9) The task force may adopt rules necessary for the operation of the task force.

12 “(10) The task force shall submit a report in the manner provided in ORS 192.245, and  
13 may include recommendations for legislation, to an appropriate committee or interim com-  
14 mittee of the Legislative Assembly no later than September 15, 2023.

15 “(11) Members of the Legislative Assembly appointed to the task force are nonvoting  
16 members of the task force and may act in an advisory capacity only.

17 “(12) Members of the task force who are not members of the Legislative Assembly are  
18 not entitled to compensation or reimbursement for expenses and serve as volunteers on the  
19 task force.

20 “(13) All agencies of state government, as defined in ORS 174.111, are directed to assist  
21 the task force in the performance of the duties of the task force and, to the extent permitted  
22 by laws relating to confidentiality, to furnish information and advice the members of the task  
23 force consider necessary to perform their duties.

24 “SECTION 3. Section 2 of this 2021 Act is repealed on December 31, 2023.”.

25 /s/ Dennis Linthicum  
26 Senator

27 /s/ Kim Thatcher  
28 Senator

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