

Senate Bill 65

Sponsored by Senator HAYDEN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lets a person whose civil rights have been violated by a person acting under the color of law sue for damages and other relief. The Act lets a plaintiff who wins this type of suit recover attorney fees. The Act lets a defendant who wins this type of suit recover attorney fees if the plaintiff's claim was frivolous. (Flesch Readability Score 62.7).

Allows a person who has been deprived of rights, privileges or immunities secured by the Oregon Constitution or the laws of this state by a person acting under color of law to bring a civil action for economic and noneconomic damages and for injunctive or other equitable relief.

Provides for the award of attorney fees and costs to a prevailing plaintiff, or to a prevailing defendant if the court finds that a plaintiff's claim was frivolous, unreasonable or without foundation.

A BILL FOR AN ACT

1
2 Relating to civil rights.

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

4 **SECTION 1. (1) Any person who has been deprived of any rights, privileges or immunities**
5 **secured by the Oregon Constitution or laws of this state by a person acting under color of**
6 **law, statute, ordinance or rule of this state or of any local government, as defined in ORS**
7 **174.116, may bring a civil action for economic and noneconomic damages, as defined in ORS**
8 **31.705, and for injunctive or other equitable relief.**

9 **(2)(a) The court shall award reasonable attorney fees and costs to a prevailing plaintiff**
10 **in an action under this section.**

11 **(b) The court may award reasonable attorney fees and costs to a prevailing defendant in**
12 **an action under this section if the court determines that the plaintiff's claim under this**
13 **section was frivolous, unreasonable or without foundation.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.