

Senate Bill 728

Sponsored by Senators GELSER BLOUIN, HAYDEN; Senators FREDERICK, WEBER, Representatives GAMBA, MANNIX (Pre-session 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 expands who can bring a civil action for abuse of a vulnerable person. (Flesch Readability Score: 61.8).

Modifies the definition of "vulnerable person" for purposes of civil action for abuse of a vulnerable person to include individuals under 18 years of age.

Applies a statute of limitations for actions based on conduct constituting child abuse to civil actions for abuse of vulnerable persons who are under 18 years of age.

A BILL FOR AN ACT

1
2 Relating to abuse of vulnerable persons; creating new provisions; and amending ORS 124.100 and
3 124.130.

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

5 **SECTION 1.** ORS 124.100 is amended to read:

6 124.100. (1) As used in ORS 124.100 to 124.140:

7 (a) "Elderly person" means a person 65 years of age or older.

8 (b) "Financially incapable" has the meaning given that term in ORS 125.005.

9 (c) "Incapacitated" has the meaning given that term in ORS 125.005.

10 (d) "Person with a disability" means a person with a physical or mental impairment that:

11 (A) Is likely to continue without substantial improvement for no fewer than 12 months or to
12 result in death; and

13 (B) Prevents performance of substantially all the ordinary duties of occupations in which an
14 individual not having the physical or mental impairment is capable of engaging, having due regard
15 to the training, experience and circumstances of the person with the physical or mental impairment.

16 (e) "Vulnerable person" means:

17 (A) An elderly person;

18 (B) A financially incapable person;

19 (C) An incapacitated person; *[or]*

20 (D) A person with a disability who is susceptible to force, threat, duress, coercion, persuasion
21 or physical or emotional injury because of the person's physical or mental impairment; **or**

22 **(E) An individual who has not attained 18 years of age.**

23 (2) A vulnerable person who suffers injury, damage or death by reason of physical abuse or fi-
24 nancial abuse may bring an action against any person who has caused the physical or financial
25 abuse or who has permitted another person to engage in physical or financial abuse. The court shall
26 award the following to a plaintiff who prevails in an action under this section:

27 (a) An amount equal to three times all economic damages, as defined in ORS 31.705, resulting
28 from the physical or financial abuse, or \$500, whichever amount is greater.

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.

1 (b) An amount equal to three times all noneconomic damages, as defined in ORS 31.705, resulting
2 from the physical or financial abuse.

3 (c) Reasonable attorney fees incurred by the plaintiff.

4 (d) Reasonable fees for the services of a conservator or guardian ad litem incurred by reason
5 of the litigation of a claim brought under this section.

6 (3) An action may be brought under this section only by:

7 (a) A vulnerable person;

8 (b) A guardian, conservator or attorney-in-fact for a vulnerable person;

9 (c) A personal representative for the estate of a decedent who was a vulnerable person at the
10 time the cause of action arose; or

11 (d) A trustee for a trust on behalf of the trustor or the spouse of the trustor who is a vulnerable
12 person.

13 (4) An action may be brought under this section only for physical abuse described in ORS
14 124.105 or for financial abuse described in ORS 124.110.

15 (5) An action may be brought under this section against a person for permitting another person
16 to engage in physical or financial abuse if the person knowingly acts or fails to act under circum-
17 stances in which a reasonable person should have known of the physical or financial abuse.

18 (6) A person commencing an action under this section shall mail a copy of the complaint or
19 other initial pleading to the Attorney General at the time the action commences. Failure to mail a
20 copy of the complaint or pleading is not a jurisdictional defect and may be cured at any time prior
21 to entry of judgment. A court may not enter judgment for the plaintiff until proof of mailing is filed
22 with the court. Proof of mailing may be by declaration or by return receipt of mailing.

23 **SECTION 2.** ORS 124.130 is amended to read:

24 124.130. **Except as provided in ORS 12.117,** an action under ORS 124.100 to 124.140 must be
25 commenced within seven years after discovery of the conduct described in ORS 124.105 and 124.110
26 that gives rise to a cause of action under ORS 124.100 to 124.140.

27 **SECTION 3. The amendments to ORS 124.100 and 124.130 by sections 1 and 2 of this 2025**
28 **Act apply to physical or financial abuse that occurs before, on or after the effective date of**
29 **this 2025 Act for the purpose of actions and proceedings that are commenced on or after the**
30 **effective date of this 2025 Act, but do not operate to revive a cause of action barred by the**
31 **operation of ORS 12.160 or 124.130 before the effective date of this 2025 Act.**

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