

HOUSE AMENDMENTS TO HOUSE BILL 4114

By COMMITTEE ON JUDICIARY

February 16

1 On page 1 of the printed bill, delete lines 4 through 23 and delete pages 2 through 4 and insert:

2 **SECTION 1.** (1) As used in this section, 'property' means:

3 “(a) Buildings, structures, land and curtilage.

4 “(b) Vehicles located on private property or in a location where the owner of the vehicle

5 has a reasonable expectation of privacy.

6 “(c) A church, synagogue, temple, mosque, chapel, meeting house or other nonresidential

7 place of worship.

8 “(d) A school or other educational facility.

9 “(e) A facility that provides medical treatment.

10 “(f) Any place where a person has a reasonable expectation of privacy.

11 “(2) An owner or occupant of property, or a person lawfully present on property with a

12 reasonable expectation of privacy, may bring a cause of action against an individual who

13 under color of law enters the property without a warrant for which the issuing authority is

14 a court, if a judicially recognized exception to the warrant requirement does not apply.

15 “(3) A plaintiff who prevails in a cause of action under this section may recover actual

16 economic and noneconomic damages, equitable relief and any other appropriate relief.

17 “(4)(a) In an action brought under this section, the court shall award reasonable attorney

18 fees and costs to a prevailing plaintiff. In an action for injunctive relief under this section,

19 the court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial

20 factor or significant catalyst in obtaining the results sought by the litigation.

21 “(b) The court may award reasonable attorney fees and costs to a defendant in an action

22 under this section for defending any claims the court finds frivolous.

23 “(5) A person may not bring an action under this section against a person subject to suit

24 for the injury under 42 U.S.C. 1983, including but not limited to a law enforcement agency

25 or an officer, as those terms are defined in ORS 181A.822.

26 “(6) An action under this section must be commenced within two years after the cause

27 of action accrues.

28 **SECTION 2.** This 2026 Act being necessary for the immediate preservation of the public

29 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect

30 on its passage.”.