

D R A F T

SUMMARY

Provides that public body and its officers, employees and agents are not immune from liability for wrongful death of person who is covered by workers' compensation law if death occurred in course and scope of decedent's employment, death occurred as result of conduct of another person who is subsequently convicted of murder or found guilty except for insanity of murder and decedent was not employed by public body at time of death.

Sunset January 2, 2017.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to claims for wrongful death; and declaring an emergency.

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

4 **SECTION 1. (1) ORS 30.265 (6)(a) does not apply to a claim for**
5 **wrongful death against the state if:**

6 (a) **The death occurred in the course and scope of the decedent's**
7 **employment;**

8 (b) **The death occurred as a result of the conduct of another person**
9 **who is subsequently convicted of murder or found guilty except for**
10 **insanity of murder; and**

11 (c) **The decedent was not employed by a public body at the time of**
12 **death.**

13 (2) **The state may not require a person who contracts with the state**
14 **to indemnify the state for wrongful death claims allowed under this**
15 **section.**

16 **SECTION 2. Section 1 of this 2015 Act is repealed on January 2, 2017.**

17 **SECTION 3. (1) Section 1 of this 2015 Act applies only to claims**

1 **based on a crime of murder committed on or after May 1, 2012.**

2 **(2) If section 1 of this 2015 Act operates to revive a claim that was**
3 **barred under ORS 30.265 (6)(a) before the effective date of this 2015 Act,**
4 **the person asserting the claim must commence the action asserting**
5 **the claim within one year after the effective date of this 2015 Act.**

6 **SECTION 4. This 2015 Act being necessary for the immediate pres-**
7 **ervation of the public peace, health and safety, an emergency is de-**
8 **clared to exist, and this 2015 Act takes effect on its passage.**

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