

# House Bill 2839

Sponsored by Representative RICHARDSON; Representatives ANDERSON, AVAKIAN, GARRARD, KRIEGER, THATCHER, Senators ATKINSON, FERRIOLI

## 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**.

Imposes personal liability on employee of Department of Human Services who intentionally falsifies reports, willfully misrepresents truth or intentionally misuses employee's position of trust or power of employment.

## A BILL FOR AN ACT

1  
2 Relating to employees of the Department of Human Services.

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

4 **SECTION 1. (1) Notwithstanding ORS 30.260 to 30.300, an employee of the Department**  
5 **of Human Services who is directly responsible for the care or placement of children or wards**  
6 **is personally liable for damages caused by the employee while acting in the scope of em-**  
7 **ployment if the employee:**

8 (a) **Intentionally falsifies reports;**

9 (b) **Willfully misrepresents the truth; or**

10 (c) **Intentionally misuses the employee's position of trust or power of employment.**

11 (2) **The employee is liable under this section only upon a showing by clear and convincing**  
12 **evidence of the alleged act or omission.**

13 (3) **Notwithstanding ORS 30.260 to 30.300, an employee found to be liable under this sec-**  
14 **tion may not be indemnified by the Department of Human Services or any other public body,**  
15 **as defined by ORS 174.109.**

16 (4) **The court may award reasonable attorney fees and costs to the prevailing plaintiff in**  
17 **an action under this section.**

18 **SECTION 2. Section 1 of this 2005 Act applies only to acts or omissions of employees of**  
19 **the Department of Human Services that occur on or after the effective date of this 2005 Act.**  
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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.