

IN THE SUPREME COURT OF THE STATE OF OREGON

WAYNE BRADY, ROSS DAY, DUANE FLETCHALL and RUSSELL WALKER,
Petitioners,

v.

JOHN KROGER, Attorney General, State of Oregon,
Respondent.

S057675 (Control)

MEAGAN FLYNN,
Petitioner,

v.

JOHN R. KROGER, Attorney General, State of Oregon,
Respondent.

S057680

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SECRETARY OF THE STATE

ORDER CERTIFYING MODIFIED BALLOT TITLE AND APPELLATE JUDGMENT

Having received no timely filed objections, the court certifies to the Secretary of State the Attorney General's modified ballot title for Proposed Initiative Petition No. 44 (2010), ORS 250.085(9). A copy of the modified ballot title is appended to this order.

12-14-09
DATE

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondent

No costs allowed

Appellate Judgment Effective Date: December 14, 2009

SUPREME COURT

c: Sarah Hunt Vasche
Jeff J Payne
James S Coon
 Kate Brown



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ORDER CERTIFYING MODIFIED BALLOT TITLE AND APPELLATE JUDGMENT

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

MODIFIED BALLOT TITLE

Expands laws allowing defensive use of deadly force; eliminates liability for injury/death to trespassers

Result of "Yes" Vote: "Yes" vote presumes "resident" (defined) justifiably uses deadly force against "intruder" (defined) whether or not intruder uses force; eliminates liability for injury/death to trespassers.

Result of "No" Vote: "No" vote retains laws allowing defensive use of force, including deadly force, that person reasonably believes necessary; retains liability for injury/death to certain trespassers.

Summary: Current law allows deadly force in defense of self, others, or property only if other person is using or about to use deadly force. Measure creates presumption that "resident" (defined) lawfully used deadly force against "intruder" (defined) because resident reasonably believed "intruder" was using or about to use deadly force; creates presumption that deadly force is justified whether or not "intruder" is using or threatening to use force. Currently, landowner may be liable to child trespassers injured by artificial condition of land, or liable to adult trespassers that landowner injures willfully or wantonly. Measure provides that "owner" (defined) is not liable for injury to child or adult trespasser caused by any condition of land or fixtures; exception for device(s) intended to injure persons. Other provisions.

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