

**Oregon Rules of Civil Procedure  
Legislative Amendments 1979-2023**

**ORCP 59**

**Compiled by Connor Grosshanten**

Lewis & Clark Law School | Oregon Council on Court Procedures

## Rule 59 – Instructions to Jury and Deliberation

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§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 38
C	Or. Laws 1981 c.892 § 97(B)
D	Unamended
E	Unamended
F	Unamended
G	Or. Laws 1997 c.249 § 11
H	Unamended

### Or. Laws 1979 c.284 § 38

Amends Rule 59(B)

- A. [Unamended]
- B. **Charging the jury.** In charging the jury, the court shall state to them all matters of law necessary for their information in giving their verdict. Whenever the knowledge of the court is by statute made evidence of a fact, the court shall declare such knowledge to the jury, who are bound to accept it as conclusive. If **either party requires it, and at commencement of the trial gave notice of that party's intention so to do, or if** in the opinion of the court it is desirable, the charge shall be reduced to writing, and then read to the jury by the court. The jury shall take such written instructions with it while deliberating upon the verdict, and then return them to the clerk immediately upon conclusion of its deliberations. The clerk shall file the instructions in the court file of the case.
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

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### H.B. 3131

Or. Laws 1979 c.284 § 38

#### House Introduction

5/11/79

#### A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

#### Governor signed Enrolled Bill

6/26/79

**Or. Laws 1981 c.662 § 1**  
Amends Rule 59(C)

- A. [Unamended]
- B. [Unamended]
- C. **Deliberation.**
  - 1. [Unamended]
  - 2. [Unamended]
  - 3. [Unamended]
  - 4. [Unamended]
  - 5. **Custody of and communications with jury.** After hearing the charge **and submission of the cause to harm**, the jury shall retire for deliberation. When they retire, they must be kept together in some convenient place, under the charge of an officer, until they agree upon their verdict **or are allowed by the court to separate** or are discharged by the court. Unless by order of the court, the officer must not suffer any communication to be made to them, or make any personally, except to ask them if they are agreed upon a verdict, and the officer must not, before their verdict is rendered, communicate to any person the state of their deliberations, or the verdict agreed upon. Before any officer takes charge of a jury, this section shall be read to the officer who shall be then sworn to follow its provisions to the utmost of such officer's ability.
  - 6. **Separation during deliberation.** **The court in its discretion may allow the jury to separate for the evening during the during its deliberation when the court is of the opinion that the deliberative process will not be adversely affected. In such cases the court will give the jury appropriate cautionary instruction.**
  - 7. **[6] Juror's use of private knowledge or information.** [Full section text unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

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**S.B. 85**

Or. Laws 1981 c.662 § 1

**Senate Introduction**

1/13/81

**A-Engrossed Bill**

5/7/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/20/81 – Passed unamended in House

**Governor signed Enrolled Bill**

8/18/81

**Or. Laws 1981 c.892 § 97(B)**  
Amends Rule 59(C)

- A. [Unamended]
- B. [Unamended]
- C. **Deliberation.**
  - 1. [Unamended]
  - 2. [Unamended]
  - 3. [Unamended]
  - 4. [Unamended]
  - 5. [Unamended]
  - 6. **Juror's use of private knowledge or information.** A juror shall not communicate any private knowledge or information that the juror may have of the matter in controversy to other jurors, ~~except when called as a witness,~~ nor shall the juror be governed by the same in giving his or her verdict.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

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**H.B. 2030**

Or. Laws 1981 c.892 § 97(b)

**House Introduction**

1/12/81

**A-Engrossed Bill**

7/10/81 – Passed with amendments in House (per Judiciary Committee recommendation)

7/31/81 – Passed with amendments in Senate (per Justice Committee recommendation)

**B-Engrossed Bill**

8/1/81 – House refused to concur with Senate Amendments; Conference Committee appointed

**Conference Committee Bill**

8/2/81 – House adopted and repassed Conference Committee Bill

8/2/81 – Senate adopted and repassed Conference Committee Bill

**Governor signed Enrolled Bill**

8/22/81

**Or. Laws 1997 c.249 § 11**  
Amends Rule 59(G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. **Return of jury verdict.**
  - 1. [Unamended]
  - 2. [Unamended]
  - 3. **Polling the jury.** When the verdict is given, and before it is filed, the jury may be polled on the request of a party, for which purpose each juror shall be asked whether ~~it is his or her verdict~~ **the verdict is the juror's verdict.** If ~~a less number of fewer~~ jurors answer in the affirmative than the number required to render a verdict, the jury shall be sent out for further deliberations.
  - 4. [Unamended]
  - 5. [Unamended]
- H. [Unamended]

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**H.B. 2509**

Or. Laws 1997 c.249 § 11

**House Introduction**

2/4/97

**A-Engrossed Bill**

3/18/97 – Passed with amendments in House (per Judiciary Committee and Civil Law Subcommittee recommendation)

5/7/97 – Passed with amendments in Senate (per Judiciary Committee and Business, Law, and Government Subcommittee recommendation)

**B-Engrossed Bill**

5/9/97 – House concurred with Senate amendments and repassed bill

**Governor signed Enrolled Bill**

6/9/97