

Enrolled
House Bill 3287

Sponsored by COMMITTEE ON JUDICIARY (at the request of Attorney General Ellen F. Rosenblum)

CHAPTER

AN ACT

Relating to post-conviction relief.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 138.510 to 138.680.

SECTION 2. (1) In any proceeding for post-conviction relief pursuant to ORS 138.510 to 138.680, a party shall provide to the other party, upon written request of the other party or an order of the court, the identity of and, except as provided in subsection (5) of this section, the contact information for any person who is a potential witness, whether the person may be called to testify at the proceeding or provide sworn written testimony.

(2) Unless otherwise ordered by the court, the disclosure required by subsection (1) of this section concerning any witness that a party may use at the proceeding to present evidence under ORS 40.410, 40.415 or 40.420 must be accompanied by a written report that is prepared and signed by the witness. The report must contain:

(a) A complete statement of all opinions the witness intends to assert as an expert witness; and

(b) The data or other information considered by the witness in forming the opinions.

(3) The disclosures required by subsections (1) and (2) of this section must be made according to timelines established by the court in each case.

(4) Upon being apprised of any breach of the duty imposed under subsections (1) and (2) of this section, and after taking into account the reason, if any, for the breach and the prejudice, if any, to the other party, the court may grant a continuance, refuse to permit a witness not properly disclosed from testifying, refuse to receive in evidence the material not disclosed, impose costs incurred by the other party as a result of the breach or enter such other order as the court considers appropriate.

(5) Unless ordered by the court, the defendant shall not disclose to the petitioner any personal identifiers, as defined in ORS 135.815, of the victim.

(6) Upon the request of either party, the court may enter a protective order as provided in ORS 135.873.

Passed by House April 29, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 15, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State