



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 6, 2023
RE: SUPPORT for SB 554

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

I am testifying in support of SB 554.

It is common knowledge in our society now, partly due to some stories that have made the media, that certain forensic methods have been debunked as junk science (such as bite mark evidence and microscopic hair analysis), and that people have been convicted on junk science. What people may not know is how hard it is to get back into court to address their convictions based on misapplied forensic science.

Currently, Oregon does not recognize discredited scientific evidence as "*new*" evidence that would allow a person to get back into court. SB 554 will allow a person to get back into court to prove that forensic scientific knowledge has sufficiently changed since the time of the criminal trial and had the currently available science been presented at the criminal trial, there is a reasonable probability of a different outcome.

Of the 23 Oregon exonerations, over 50% of them were based on misapplied forensic science. With the passage of the Justice Integrity bill and the Wrongful Conviction Compensation bill, this legislature has recognized that the legal system can get things wrong and that there should be a mechanism to right those wrongs.

Passing SB 554 will create a mechanism for potentially innocent people to gain access to relief on the basis of changed science. Oregon should join the seven other states that already have this law on the books.
