

SUBCOMMITTEE RECOMMENDATION

Public Defense Commission Nonunanimous Jury Convictions

To: Ways and Means Full Committee
From: Public Safety Subcommittee
Carrier: Senator Campos

On April 2nd, the Public Safety Subcommittee received a report from the Public Defense Commission on nonunanimous jury convictions.

In 2020, the United States Supreme Court ruled that nonunanimous jury convictions in felony cases were unconstitutional and left to the individual states to determine the retroactive application of the decision. In 2022, the Oregon Supreme Court ruled that the U.S. Supreme Court's ruling applied retroactively under state law. This ruling meant that a felony defendant who had a nonunanimous jury conviction may be entitled to a new trial after filing a postconviction relief claim challenging their conviction. The Legislature established a two-year statute of limitation for challenges related to nonunanimous jury conviction cases.

The Commission reports that between the 2021-23 and 2023-25 biennium, public defense related to challenges of nonunanimous jury convictions were provided in an estimated 649 cases at a cost of \$2.6 million General Fund. The Commission states the no further costs are anticipated for the 2025-27 biennium or beyond.

The Public Safety Subcommittee recommends acknowledging receipt of the report.