



Legislative Fiscal Office
83rd Oregon Legislative Assembly
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Bill Title: Relating to wrongful conviction; declaring an emergency.

Government Unit(s) Affected: Department of Administrative Services, Oregon Youth Authority, District Attorneys, Judicial Department, Public Defense Commission, Department of Justice, Department of Corrections, Board of Parole and Post-Prison Supervision, Criminal Justice Commission, Department of Consumer and Business Services

Summary of Fiscal Impact

Costs related to the measure are indeterminate at this time - see explanatory analysis.

Measure Description

The measure modifies the scope and available compensation to an individual who a court finds was wrongfully convicted. The measure provides specific criteria for an individual to prove they did not commit the crime or crimes for which they were convicted. It also expands available compensation to include all time spent in confinement and pretrial supervision and requires courts to award expert witness fees incurred by a prevailing petitioner. Additionally, courts are allowed to award petitioners the cost of tuition, books, and fees for up to four years of higher education and the cost of health benefits, for up to 10 years, which may be awarded as a one-time lump sum payment. The measure allows these costs to be awarded for petitions that have been filed before, on, or after the measures effective date as long as no judgement has been entered. However, if a court enters a judgment under the provisions of this measure it shall include a certificate of innocence stating the petitioner has proven innocent of all crimes for which the petitioner was wrongfully convicted.

The Attorney General of the Department of Justice (DOJ) is required to review all petitions and issue a written opinion on a petition within 180 days. If DOJ finds the petitioner innocent by a preponderance of the evidence, DOJ must jointly file a court petition for judgement in the petitioner's favor. DOJ must submit a report annually to the Legislative Assembly relating to judiciary summarizing the determinations made and include the amount of attorney fees incurred with each notice and petition filed in the previous year.

SB 1584 (2022) created a process for individuals who meet specific criteria to file a wrongful conviction claim against the State of Oregon to receive compensation at a statutorily set rate for every year spent in prison. To prevail, individuals must prove by a preponderance of the evidence that they did not commit the crime. The measure required courts to award damages of \$65,000 for each year of imprisonment and \$25,000 for the greater of each year the petitioner served on parole, post-prison supervision or, was required to register as a sex offender. Courts are also required to award prevailing plaintiffs reasonable attorney fees and specified reimbursement costs associated with the wrongful conviction. Additionally, the measure allowed courts to award petitioners access to state, local or other service programs.

Fiscal Analysis

The fiscal impact of the measure on the Department of Administrative (DAS) Risk Management is indeterminate and dependent on the number of successful petitions for wrongful conviction compensation and the amount of compensation awarded in each petition.

Under current law, for the 2023-25 biennium, \$4.8 million General Fund was appropriated to DAS Risk Management for state legal costs (\$832,000) and settlement payouts (\$4 million) associated with successful petitions for wrongful convictions. SB 5550 (2025) included an additional \$1.5 million General Fund for anticipated state legal costs and \$6 million for settlement payouts to address settlement claims anticipated for the remainder of the 2023-25 biennium.

For the 2025-27 DAS budget development, funding for wrongful conviction compensation was phased out at current service level. However, the 2025-27 DAS Governor's Budget includes \$22.3 million General Fund for wrongful conviction compensation under current law. Of this amount, \$3.9 million is for state legal costs, \$13 million in statutory costs for payouts, and \$5 million in discretionary costs a court may award, including petitioner's attorney fees.

With the \$22.3 million investment in the 2025-27 Governor's Budget as the starting point, under this measure, DOJ anticipates a nominal reduction in state legal costs from \$3.9 million to \$3.2 million General Fund due to the 180-day review period outlined under the measure. However, the measure is anticipated to increase costs for payouts and discretionary costs. The measure makes persons listed on a nationally recognized registry of those who have been exonerated automatically eligible for compensation, increases the years a person is eligible for compensation, and adds discretionary costs to include tuition and healthcare to what the court can award. The incremental costs of these changes are indeterminate but could range between an additional \$4.7 million to \$22.1 million General Fund depending on the eligible petitions filed and amount of discretionary costs awarded.

The fiscal impact for the Department of Consumer and Business Services (DCBS) is indeterminate. The agency reports that the measure does not specify which health benefit plan would be used for the lump sum payments, and the cost varies significantly depending on cost-sharing, networks, and other contributing factors. Additionally, the measure does not define the level of data DCBS would be required to provide; depending on that requirement, the agency may need additional resources.

The measure has a minimal fiscal impact on the Oregon Judicial Department.

The measure has no fiscal impact on the Board of Parole and Post-Prison Supervision, Oregon Youth Authority, Criminal Justice Commission, District Attorneys, Public Defense Commission, or Department of Corrections.

Relevant Dates

The measure declares an emergency and takes effect on July 15, 2025.