

SB 1007 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 03/17/25

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 6-0-0-0

Yeas: 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: Has minimal revenue impact

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Meeting Dates: 2/27, 3/17

WHAT THE MEASURE DOES:

This measure clarifies and adapts Oregon’s wrongful conviction compensation statute and increases the scope of available compensation.

Detailed Summary

Section 1(1): Legislative Intent

- Declares legislative intent to remedy substantive and technical hurdles that have prevented wrongly convicted individuals from receiving compensation under ORS 30.657.

Section 1(2(b)): Legal effect of gubernatorial pardon, court finding, or recognition by a national registry of exonerees

- Clarifies that a written gubernatorial pardon, court finding, or the listing on a national registry consistent with innocence is sufficient to show that an individual was wrongly convicted.

Section 1(2(c-e)): Procedural changes to judicial consideration of petition for compensation

- Renders as admissible all evidence adduced in any proceeding arising from the facts or events that resulted in a petitioner’s conviction, including the conviction itself.
- Requires the court to find that the petitioner did not commit the crime(s) for which they were convicted if they establish their innocence by a preponderance of the evidence based on a pardon, court finding, or national registry listing.

Section 1(6-8, 13): Scope and measure of relief

- Extends available compensation to include all time spent in confinement and pretrial supervision.
- Requires court to award expert witness fees incurred by a prevailing petitioner.
- Allows the court to award as a lump sum the costs of tuition, books, and fees for up to four years of public university or community college as well the costs of up to 10 years of a health benefit plan.
- Directs the court to issue a certificate of innocence to a prevailing petitioner.

Section 2: Attorney General’s review of petitions

- Directs the Attorney General (AG) to review all petitions and all newly presented evidence, including all evidence submitted by the petitioner or a district attorney.
- Requires the AG to issue a written opinion on a petition within 180 days.
- Requires the AG not oppose the petition if the AG finds a petitioner innocent by a preponderance of the evidence.
- Directs the AG to submit annual report to the legislature on the dispositions of wrongful conviction petitions along with associated attorney fees.

Section 3: Extends notice period for incapacity

This summary has not been adopted or officially endorsed by action of the committee.

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- Excludes any time during which the petitioner was a minor, incompetent, or incapacitated from calculation of the 180-day notice period in which a notice of petition must be filed.

Sections 4-6: Effective date

- Declares an emergency, effective on July 15, 2025.
- Applies Sections 1 and 3 to petitions filed before, on, or after the effective date, so long as no judgment has been entered or the petitioner retains the right of appeal.
- Applies Section 2 to petitions filed on or after the effective date.

ISSUES DISCUSSED:

- History and intent of ORS 30.657 and ORS 30.659 (Senate Bill 1584 (2022))
- Lasting stigma from and effect on families of wrongful conviction
- DOJ's existing practices under SB 1584 and DOJ discretion
- Exoneration via national registry of exonerees
- Legal and practical obstacles faced by exonerees
- Racism's potential correlation with wrongful convictions

EFFECT OF AMENDMENT:

The amendment makes minor technical and substantive changes to the measure.

Detailed Summary

- Establishes an individual's listing on a recognized national registry of exonerees as proof of exoneration.
- Awards an exoneree a lump sum calculated up front for education and health care costs.
- Directs the Attorney General to not oppose, as opposed to join, an exoneree's petition.
- Makes technical changes and removes redundancies.
- Changes the effective date to July 15, 2025.

BACKGROUND:

In 2022, the Legislative Assembly passed state Senate Bill 1584, codified as ORS 30.657 and 30.659, to provide \$65,000 per year in compensation for each year a person was wrongfully imprisoned, upon the person's successful petition by civil action. The law requires the Department of Justice to represent the state's interests in all proceedings, including appeals.

The petitioner bears the burden of proof by a preponderance of the evidence to demonstrate four criteria, including that the person did not commit the crime or otherwise be involved in the acts that were the basis of the conviction. Unlike in a criminal case where the state has the burden of proving that the defendant *did* commit the crime, the petitioner has the burden of providing they *did not* commit the crime. Accordingly, a gubernatorial pardon or a District Attorney's decision not to retry an overturned conviction does not automatically entitle an exoneree to compensation. Pursuant to the terms and language of SB 1584, the Department of Justice has opposed compensation in most of the 40 cases in which it has been sought ([Oregon Public Broadcasting](#)).