

OREGON

SB 1007 JUSTICE FOR EXONEREES: IMPROVING OREGON'S WRONGFUL CONVICTION COMPENSATION PROGRAM

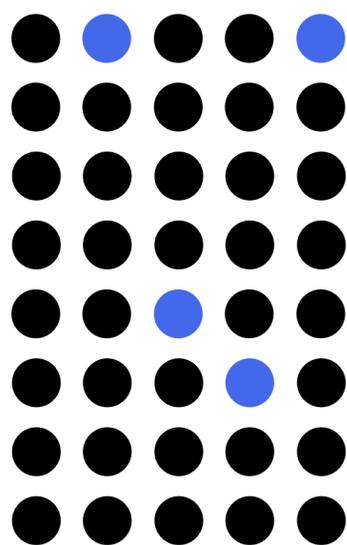
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THE CURRENT PROBLEM

Wrongful convictions have a lasting impact on the lives of innocent Oregonians. Exonerees are often freed after years of wrongful incarceration with few resources to help them rebuild their lives.

That is why in 2022, Oregon legislators unanimously passed, and the governor signed, the Oregon Justice for Exonerees Act – Senate Bill 1584 – to provide compensation for those who have been wrongfully convicted and give them an opportunity to rebuild their lives.

Unfortunately, the law has not been implemented as intended and exonerees face lengthy and onerous processes to receive the compensation afforded them under the statute.



In the three years since the bill's passage, only 4 exonerees have been compensated and of those, none have received the full compensation amount under SB 1584. Additionally, hundreds of thousands of public dollars have been spent to fight these claims in a litigation process that is retraumatizing to those who have already lost years of their life to wrongful incarceration.

CASE IN POINT: EARL BAIN



Earl Bain (center) and his daughters

Earl Bain was exonerated in August 2020 after more than five years in prison and an additional six years on parole and the registry for a crime he did not commit.

Mr. Bain was wrongfully convicted by a nonunanimous jury in Malheur County in 2009, despite no witnesses or physical evidence in his case. Mr. Bain, an Afghanistan army veteran, received a full pardon from Governor Kate Brown on the grounds of innocence, a rare move that was also supported by the Malheur County District Attorney. But his wrongful conviction and incarceration imposed many costs and hardships on his family. Mr. Bain filed a claim for compensation in 2022 and after a long, difficult process with Oregon's Department of Justice, Mr. Bain chose to settle for far less than he was entitled so that he did not prolong the traumatic experience for himself and his children.

## WHAT NEEDS TO CHANGE?

Innocent Oregonians who were robbed of their liberty and lost years of their lives while wrongfully incarcerated are still waiting for financial compensation.

Upon release, Oregon exonerees face a number of immediate financial challenges that impact their ability to survive, including:

- lack of housing, transportation, health services and insurance, mental health treatment, and other basic needs;
- years of lost income and inability to save for retirement while imprisoned; and
- missed educational and career opportunities.

Many continue to struggle with a criminal conviction on their record or online, despite their innocence.

## HOW CAN THIS BE FIXED?

**To ensure Oregon implements a compensation program Oregon exonerees deserve, SB 1007 would:**

- Make clear the legislative intent of resolving claims that meet legislative standards for innocence
- Recognize newly-presented evidence of innocence in review of the petition
- Improve access to re-entry services
- Ensure timely Oregon Department of Justice review of cases

### CASE IN POINT: SANTIAGO VENTURA MORALES



*Santiago Ventura Morales*

***At just 18 years old, Santiago Ventura Morales was wrongfully convicted and sentenced to life in prison. He was exonerated in April 1991 after spending five years in prison for a murder that he did not commit.***

During his post-conviction case, an eyewitness to the murder came forward and testified under oath, identifying the true killer and confirming that Mr. Ventura Morales was not present. Multiple other witnesses came forward and testified that they were pressured by police to point the finger at Mr. Ventura Morales. Mr. Ventura Morales' wrongful conviction ended in a high-profile exoneration with then-Governor Kitzhaber publicly recognizing Mr. Ventura Morales' wrongful conviction. After the passage of the Oregon Justice for Exonerees Act, Mr. Ventura Morales filed a claim for compensation in 2023. Despite clear evidence of innocence, the Oregon Department of Justice is continuing to fight Mr. Ventura Morales' claim for compensation.