

Senate Judiciary Hearing on Senate Bill 1007

Written Testimony of Janis C. Puracal, Executive Director, Forensic Justice Project

February 27, 2025

Chair Prozanski, Vice-Chair Thatcher, and members of the Committee,

Thank you for the opportunity to present testimony on Senate Bill 1007, which will improve the wrongful conviction compensation program. We appreciate the Committee's continued hard work to ensure compensation for individuals who were wrongly convicted and incarcerated for crimes that they did not commit.

A. Background of the Forensic Justice Project

The use of faulty and misleading forensic evidence is one of the leading causes of wrongful conviction. The Forensic Justice Project ("FJP") is a nonprofit organization that was created in Oregon to challenge the use of faulty and misleading forensic evidence and to find helpful forensic evidence. We work at all stages of the criminal process from pre-trial through post-conviction. Our mission is to prevent wrongful convictions before they happen and correct them after they happen. To that end, we focus on getting good science into the courtroom and bad science out of the courtroom.

B. Background and Purpose of the Compensation Statute

As a reminder, the legislature passed the compensation bill (SB 1584) in 2022. At that time, the Committee heard from several exonerees who shared their experience with wrongful conviction here in Oregon. They talked about the fact that it's not just about the years lost in prison. These individuals missed all the things that the rest of us live for. They missed the births of their children and grandchildren. They missed weddings, funerals, and graduations. They missed taking their kids to their first day of school and teaching them how to ride a bike.

The legislative intent was to acknowledge some of what these individuals lost and give them a way to start to move forward.

An exoneree who can satisfy the requirements of the statute—including with proof by a preponderance of the evidence that they did not commit the crime—is awarded \$65,000 per year of incarceration.¹ Under the statute, an exoneree can also get access to state or local programs, such as therapy, job training, food assistance, and housing assistance.

¹ The annual amount increased to \$69,000 per year as of July 1, 2024. Exonerees can also recover an annual amount for each year on post-prison supervision and the sex offender registry.



At the time the compensation bill passed in 2022, Oregon was one of only 13 states that did not have a law to compensate those who were wrongfully convicted.

The Oregon Legislature passed the compensation bill with unanimous support in both chambers. The language of the bill that passed was the result of two years of hard work and compromise between the advocates of the bill and the Oregon Department of Justice (“DOJ”). That hard work led to DOJ coming out in support of the bill.

That is why DOJ’s approach to these cases since the law passed was so surprising to many of us who handle these cases. Since the bill passed, only a handful of exonerees have received compensation. Most of them had to negotiate away their rights under the statute, taking pennies on the dollar because the process was so traumatizing. None of them received a certificate of innocence. None of them received any services under the statute for things like therapy, education, or even basic job training.

C. The Compensation Program Must be Fixed

The wrongful conviction compensation program must be fixed. In all the pending cases, we are re-litigating the entire criminal case from scratch. The money that could go to exonerees is going to astronomical attorney fees to re-prosecute these innocent individuals.

The compensation program can be fixed. SB 1007 proposes concrete ways to make this program work. There has been a change in the administration at DOJ, and, since AG Rayfield took office in January, the advocates for SB 1007 have been working collaboratively, and very productively, with AG Rayfield’s staff to fix the compensation program. But we need basic changes to the statute to make this happen.

SB 1007 is our path forward. We are actively working with DOJ and OJD, and we are hopeful that we will present a helpful amendment in the next week. Thank you for your continued work to improve this program for our exonerees.

Sincerely,



Janis C. Puracal

Attorney and Executive Director

jpuracal@forensicjusticeproject.org