

**TESTIMONY ON SENATE BILL 169
BEFORE THE SENATE COMMITTEE ON JUDICIARY
APRIL 1, 2025**

**PRESENTED BY: AARON KNOTT,
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Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

The Oregon Judicial Department (OJD) is neutral on Senate Bill 169-1. This testimony is submitted to describe the anticipated operational impacts on the judicial department from the passage of the –1 amendments to the bill.

As background, OJD's Justice Campaign supports efforts to remove barriers and improve access to justice. Recognizing that technology and science changes constantly, OJD is broadly supportive of the idea that no person should be convicted on the basis of scientifically repudiated forensic science. The use of forensic science as criminal evidence is constantly evolving, and maintaining a clear understanding of trends in the sound interpretation of forensic data is a challenge for our courts, prosecutors, and defense.

SB 169-1 would create new grounds for post-conviction relief (PCR) for individuals able to demonstrate that their conviction resulted from forensic science that has since been credibly repudiated, or if new forensic science now exists that was not ascertainable through the exercise of reasonable diligence when the original sentencing occurred. This remedy would be available to petitioners whose convictions meet the statutory criteria at any time, without limitation.

SB 169-1, in essence, thereby creates two broad new categories of PCR:

The first would apply when a specific form of forensic evidence on which a conviction relied is later credibly repudiated. The impact of this section would be driven by how widely the repudiated forensic technique had been used, alongside how easily impacted cases could be identified.

The second, and much broader, ground for PCR created by SB 169-1, would allow any petitioner to obtain relief if new forensic scientific evidence has become available that was not available when their case was decided and if that evidence had been presented there is a reasonable probability it would have affected the outcome.

The impact of these provisions is hard to ascertain because the bill will apply to innovations in forensic science which do not yet exist and have the potential to impact many cases simultaneously.

At least seven other states have enacted laws allowing people convicted of crimes to undo convictions based on evolving science: California, Connecticut, Michigan, Nevada, Texas, West Virginia, and Wyoming. West Virginia and Connecticut's evolving science PCR laws are the two most similar to the SB 169-1 amendments in that each authorizes PCR relief for trial convictions and pleas, previous PCR petitions are not a bar, and factual innocence is not required. While there are many variables that can affect the actual impact, we believe the numbers received from West Virginia are most relevant to estimating the number of cases that may be filed in Oregon. From 2010 to 2022, the highest number of cases filed in a year was 173 (2014) and the lowest number was 101 (2022).

In sum, while OJD sees the profound importance of avoiding convictions based on repudiated theories of forensic science, the operational impacts and costs to the courts are difficult to assess. We support further discussions of possible ways for the system to address the impacts of changing forensic scientific evidence