

SB 1515 A -A5, -A6 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Amie Fender-Sosa

Meeting Dates: 3/2, 3/3

WHAT THE MEASURE DOES:

The measure modifies provisions relating to the wrongful conviction compensation process and post-conviction relief based on a finding that individuals who have been wrongfully convicted and imprisoned in Oregon have been unable to obtain proper reparations because of substantive and technical issues with existing law. The measure declares an emergency, effective on its passage.

Detailed Summary:

Specifies that the petitioner must have not committed the crime at issue, was not an accessory to or accomplice to the crime, was not involved in acts that were the basis for the conviction, and was not convicted in relation to the same criminal episode. Specifies that the court is the fact finder and that a petitioner may not compel a victim to testify unless a court order is obtained, and provides guidelines to the court regarding victim subpoenas. Requires the petitioner to inform the court of any monetary awards.

Provides 180 days after receiving the petition and evidence for the Attorney General to determine whether the requirements for the petition are met. If the Attorney General determines the requirements are met, directs the Attorney General to not oppose the petition or judgment. Mandates that the Attorney General submit an annual report to one of the legislature's judiciary committees summarizing the determinations made regarding wrongful conviction petitions.

States that a person convicted of a crime may file for post-conviction relief if the conviction was based on the following discredited forensic science disciplines: hair microscopy, bite mark analysis or comparison, or comparative bullet lead analysis. Directs the court to grant relief of a new trial on all charges if the petitioner proves certain factors by a preponderance of the evidence. Sunsets the portions on post-conviction relief based on discredited science on January 2, 2031.

REVENUE: No revenue impact

FISCAL: Indeterminate, but anticipated to be minimal

SENATE VOTE: Ayes, 28; Nays, 1

ISSUES DISCUSSED:

- Path for direct review of cases based on discredited science
- Concerns about retraumatizing victims
- Once innocence is shown, the state should not stand in the way

EFFECT OF AMENDMENT:

-A5 Defines "Diagnosis" as scientific expert testimony regarding the cause or nature of a condition or injury, when that testimony is otherwise unsupported by corroborating evidence.

-A6 States that "Bite mark analysis" does not include making an identification based on DNA analysis of any biological material that may be present within or around a bite mark or suspected bite mark.

BACKGROUND:

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In 2022, the legislature passed Senate Bill 1584, codified as Oregon Revised Statutes 30.657 and 30.659, to provide \$65,000 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 that the criteria are met, including that the person did not commit the crime or otherwise participate in the acts that were the basis of the conviction. Unlike in a criminal case, in which the state has the burden of proving that the defendant *did* commit the crime, in a petition for wrongful conviction, the petitioner has the burden of proving that they *did not* commit the crime. A small number of petitioners have been successful under the 2022 law. In 2025, the Senate Judiciary Committee heard a related bill, Senate Bill 1007.

PRELIMINARY