



Legislative Fiscal Office
83rd Oregon Legislative Assembly
2026 Regular Session

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Date: March 3, 2026

Bill Title: Relating to wrongful convictions; declaring an emergency.

Government Unit(s) Affected: Board of Parole and Post-Prison Supervision, Criminal Justice Commission, Department of Administrative Services, Department of Corrections, Department of Justice, District Attorneys, Judicial Department, Oregon Youth Authority, Public Defense Commission, Counties

Summary of Fiscal Impact: Costs related to the measure are indeterminate but anticipated to be minimal - see explanatory analysis.

Measure Description

The measure modifies provisions relating to the wrongful conviction compensation process and provides that these modifications apply to petitions filed before, on, or after the effective date of this measure that have not had a final judgement entered by the court. In addition, the measure requires the Attorney General to review claims for compensation and within 180 days of receiving the petition make a written determination if the requirements are satisfied. The Attorney General is also directed to submit a report to the interim committee of the Legislative Assembly relating to judiciary annually and the report is to include a summary of the determinations and the amount of attorney fees associated with each notice and petition filed in the previous year.

The measure also expands the types of claims that an individual may petition for post-conviction relief to include specific discredited forensic science disciplines if the individual’s conviction was based in whole or in part from the application of one of the discredited sciences. Discredited sciences include hair microscopy, bite mark analysis or comparison, and comparative bullet lead analysis as defined in the measure. An individual may file a post-conviction relief claim regarding discredited sciences if they have not exhausted their direct appeals on the effective date of this measure or who have exhausted their direct appeals and files a petition prior to two years after the effective date of this measure.

The expansion of post-conviction relief petitions to include discredited forensic science disciplines are repealed on January 2, 2031, and do not affect petitions filed within the time limitations and have not had a final judgement entered.

Fiscal Analysis

Department of Administrative Services

Under current law, for the 2025-27 biennium, \$22.3 million General Fund was appropriated to DAS Risk Management for state legal costs (\$4 million) and settlement payouts (\$18.3 million) associated with successful petitions for wrongful convictions. Although the impact on settlement payouts is indeterminate dependent on the number of successful petitions and the amount of compensation awarded in each petition, in reviewing case histories, the Department of Justice (DOJ) estimates the number of cases decided on the forensics identified in the measure is small. However, if an unanticipated number of petitions are successful, additional resources will be needed for settlement payouts.

Department of Justice

The fiscal impact on DOJ is minimal in the 2025-27 and 2027-29 biennium. DOJ anticipates being able to absorb the new petitions and filings with their current resources, however, the exact number of petitions to be filed is unknown at this time. If there is a sizeable influx of cases and the agency determines they cannot manage them within their current resources, then the agency may need to seek additional resources.

Public Defense Commission

The fiscal impact on the Public Defense Commission (PDC) is minimal in the 2025-27 and 2027-29 biennium. PDC provides counsel for indigent defendants through a combination of contract, hourly, and state-employed attorneys. It is currently unknown how many additional post-conviction relief petitions may be filed or the amount of defendants who would be determined to be financially eligible for court-appointed counsel. The actual number of cases, however, will be factored into future Department of Administrative Services - Office of Economic Analysis (DAS OEA) public defense forecasts.

Other entities

There is a minimal fiscal impact on the Department of Correction, District Attorneys, Oregon Judicial Department, and counties.

There is no fiscal impact on the Board of Parole and Post-Prison Supervision, Criminal Justice Commission, or Oregon Youth Authority.

Relevant Dates

The measure declares an emergency and takes effect on passage.

The provisions in the measure relating to petitions for post-conviction relief petitions of discredited sciences sunset on January 2, 2031.