SB 1515-3
(LC 97)
2/9/26 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

PROPOSED AMENDMENTS TO
SENATE BILL 1515

On page 1 of the printed bill, line 23, after the second "conviction" insert "of the person".

On page 2, delete lines 10 through 14 and insert:

"(c) A prior court's finding that in light of all of the evidence, both old and new, no reasonable juror would have voted to find the person guilty beyond a reasonable doubt, is sufficient to prove that the person did not commit the crime or crimes for which the person was convicted.".

On page 6, delete lines 40 through 45 and delete page 7.

On page 8, delete lines 1 through 24 and insert:

"SECTION 6. (1) A person convicted of a crime may file a petition for post-conviction relief if the conviction was based in whole or in part on scientific expert testimony, scientific expert evidence or scientific expert opinion derived from the application of one or more of the following discredited forensic science disciplines:

"(a) Hair microscopy;

"(b) Bite mark analysis or bite mark comparison; or

"(c) Comparative bullet lead analysis.

"(2) Notwithstanding ORS 138.530, in a post-conviction relief proceeding based on a petition described in this section, the court shall grant relief if the petitioner proves, by a preponderance of the evidence:

"(a) That the petitioner's conviction was based substantially on scientific expert testimony, scientific expert evidence or scientific expert opinion that applied one or more of the discredited forensic science disciplines described in subsection (1) of this section; and

"(b)(A) If the petitioner was convicted at trial, that there is a reasonable probability that had the scientific expert testimony, scientific expert evidence or scientific expert opinion applying the discredited forensic science discipline not been admitted at trial, the outcome of the trial would have been different; or

"(B) If the petitioner was convicted after pleading guilty or no contest:

"(i) That the scientific expert testimony, scientific expert evidence or scientific expert opinion applying one or more of the discredited forensic science disciplines was known to the petitioner at the time of entering the plea; and

"(ii) That the scientific expert testimony, scientific expert evidence or scientific expert opinion was a material factor in the petitioner's decision to plead guilty or no contest.

"(3) When making a determination under subsection (2) of this section, the court shall follow the procedures described in ORS 138.620.

"(4) If court finds that the petitioner has met the requirements of subsection (2) of this section, the court shall grant appropriate relief under ORS 138.520.

"(5) ORS 138.550 (3) and (4) do not apply to petitions for post-conviction relief described in this section.

"(6) A person may file a petition under this section notwithstanding the fact that:

"(a) The person did not object to the admission of the scientific expert testimony, scientific expert evidence or scientific expert opinion applying the discredited forensic science discipline at trial or raise the

issue on appeal, unless the trial occurred on or after the effective date of this 2026 Act;

"(b) The person pleaded guilty or no contest to the conviction;

"(c) Before or after the conviction, the person made a confession or admission; or

"(d) The person has completed the sentence associated with the conviction.

"(7) This section shall be liberally construed to promote justice and to correct wrongful convictions based on discredited forensic science disciplines.

"(8) This section may not be construed to permit challenges to convictions for which the forensic scientific evidence introduced at trial was based on objective and validated computational methods that have replaced the subjective visual comparison techniques used in the discredited forensic science disciplines described in subsection (1) of this section.

"(9) As used in this section:

"(a) 'Bite mark analysis' means the diagnosis of an injury as a human bite mark.

"(b)(A) 'Bite mark comparison' means the use of dental records and impressions to compare the bite marks left on a victim or object with the dentition of a known individual, that involves the subjective analysis of the characteristics of the bite mark and the dental profile to form an opinion as to whether the known individual created the bite mark and uses odontological analysis.

"(B) 'Bite mark comparison' does not include using dental remains for identification of a deceased individual or making an identification based on DNA analysis of any biological material that may be present within or around a bite mark.

"(c) 'Comparative bullet lead analysis' means the forensic exam-

ination of the chemical composition of bullet fragments found at a crime scene, that is performed to determine if the concentration of all seven elements, in addition to lead, in the bullet lead from the crime scene match the concentration of the same seven elements in the bullet lead found in the possession of a suspect, and that is based on the assumption that a given quantity of lead has a unique chemical signature.

"(d) 'DNA' means deoxyribonucleic acid.

"(e)(A) 'Hair microscopy' means the use of a microscope to analyze the physical characteristics of a hair sample from an unknown source, including the sample's color, shaft form, texture, medullary pattern and scale structure, and to compare the sample with a hair sample from a known individual, as the basis of scientific expert testimony, scientific expert evidence or scientific expert opinion by applying probabilities to the inclusion of the known individual as the source of the hair, and is limited to situations in which:

"(i) The expert stated or implied that the hair sample from the unknown source could be associated with a specific individual to the exclusion of all other individuals;

"(ii) The expert assigned to the positive association a statistical weight or probability, provided a likelihood that the hair sample from the unknown source originated from a particular source, or provided an opinion as to the likelihood or rareness of the positive association that could lead a fact finder to believe that a valid statistical weight can be assigned to microscopic hair comparison; or

"(iii) The expert cited the number of microscopic hair comparisons performed by the expert or the expert's laboratory, and the number of samples from different individuals that could not be distinguished from one another after analysis, as a predictive value to bolster the conclusion that a hair sample belongs to a specific individual.

"(B) 'Hair microscopy' does not include any analysis of hair that involves mitochondrial or nuclear DNA testing.

"(f) 'Odontological analysis' includes the assessment of the shape, size, spacing and alignment of teeth.".