

SB 1515-4
(LC 97)
2/9/26 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1515**

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

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

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

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

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

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

15 **“(a) Hair microscopy;**

16 **“(b) Bite mark analysis or bite mark comparison; or**

17 **“(c) Comparative bullet lead analysis.**

18 **“(2) Notwithstanding ORS 138.530, in a post-conviction relief pro-
19 ceeding based on a petition described in this section, the court shall
20 grant relief if the petitioner proves, by a preponderance of the evi-
21 dence:**

1 “(a) That the petitioner’s conviction was based substantially on
2 scientific expert testimony, scientific expert evidence or scientific ex-
3 pert opinion that applied one or more of the discredited forensic sci-
4 ence disciplines described in subsection (1) of this section; and

5 “(b)(A) If the petitioner was convicted at trial, that there is a rea-
6 sonable probability that had the scientific expert testimony, scientific
7 expert evidence or scientific expert opinion applying the discredited
8 forensic science discipline not been admitted at trial, the outcome of
9 the trial would have been different; or

10 “(B) If the petitioner was convicted after pleading guilty or no
11 contest:

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

16 “(ii) That the scientific expert testimony, scientific expert evidence
17 or scientific expert opinion was a material factor in the petitioner’s
18 decision to plead guilty or no contest.

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

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

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

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

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

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

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

4 “(c) Before or after the conviction, the person made a confession
5 or admission; or

6 “(d) The person has completed the sentence associated with the
7 conviction.

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

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

17 “(9) As used in this section:

18 “(a) ‘Bite mark analysis’ means the diagnosis of an injury as a hu-
19 man bite mark.

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

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

30 “(c) ‘Comparative bullet lead analysis’ means the forensic exam-

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

8 “(d) ‘DNA’ means deoxyribonucleic acid.

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

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

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

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

1 **“(B) ‘Hair microscopy’ does not include any analysis of hair that**
2 **involves mitochondrial or nuclear DNA testing.**

3 **“(f) ‘Odontological analysis’ includes the assessment of the shape,**
4 **size, spacing and alignment of teeth.”.**

5 On page 9, after line 19, insert:

6 **“SECTION 9.** ORS 138.510, as amended by section 7 of this 2026 Act, is
7 amended to read:

8 “138.510. (1) Except as otherwise provided in ORS 138.540, any person
9 convicted of a crime under the laws of this state may file a petition for
10 post-conviction relief pursuant to ORS 138.510 to 138.680.

11 “(2) A petition for post-conviction relief may be filed by one person on
12 behalf of another person who has been convicted of aggravated murder and
13 sentenced to death only if the person filing the petition demonstrates by a
14 preponderance of the evidence that:

15 “(a) The person sentenced to death is unable to file a petition on the
16 person’s own behalf due to mental incapacity or because of a lack of access
17 to the court; and

18 “(b) The person filing the petition has a significant relationship with the
19 person sentenced to death and will act in the best interest of the person on
20 whose behalf the petition is being filed.

21 “(3) [*Except as provided in section 6 of this 2026 Act,*] A petition pursuant
22 to ORS 138.510 to 138.680 must be filed within two years of the following,
23 unless the court on hearing a subsequent petition finds grounds for relief
24 asserted which could not reasonably have been raised in the original or
25 amended petition:

26 “(a) If no appeal is taken, the date the judgment or order on the con-
27 viction was entered in the register.

28 “(b) If an appeal is taken, the date the appeal is final in the Oregon ap-
29 pellate courts.

30 “(c) If a petition for certiorari to the United States Supreme Court is

1 filed, the later of:

2 “(A) The date of denial of certiorari, if the petition is denied; or

3 “(B) The date of entry of a final state court judgment following remand
4 from the United States Supreme Court.

5 “(4) [Except as provided in section 6 of this 2026 Act,] A one-year filing
6 period shall apply retroactively to petitions filed by persons whose con-
7 victions and appeals became final before August 5, 1989, and any such pe-
8 titions must be filed within one year after November 4, 1993. A person whose
9 post-conviction petition was dismissed prior to November 4, 1993, cannot file
10 another post-conviction petition involving the same case.

11 “(5) The remedy created by ORS 138.510 to 138.680 is available to persons
12 convicted before May 26, 1959.

13 **“SECTION 10. The amendments to ORS 138.510 by section 9 of this
14 2026 Act become operative on January 2, 2031.**

15 **“SECTION 11. (1) Sections 5, 6 and 8 of this 2026 Act are repealed
16 on January 2, 2031.**

17 **“(2) The repeal of sections 5, 6 and 8 of this 2026 Act does not affect
18 a petition for post-conviction relief described in section 6 of this 2026
19 Act, filed within the time limitations described in section 8 of this 2026
20 Act, for which final judgment has not been entered.”.**

21 In line 23, delete “9” and insert “12”.

22 In line 29, delete “10” and insert “13”.

23
