

Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and Members of the House Judiciary Committee:

I am submitting testimony **in support of the -1 amendment to HB 4041**.

This amendment is urgently needed for a narrow group of Oregonians whose felony convictions rest on now-unconstitutional 10–2 jury verdicts that are clearly documented in the record, but who were unable to meet the prior filing deadline for post-conviction relief.

One case I am familiar with involves a Native American veteran who was convicted on a single felony count by a 10–2 jury verdict, while the same jury returned unanimous not-guilty verdicts on the remaining counts. The non-unanimous verdict was preserved in the trial record through a jury poll and was raised as constitutional error on direct appeal years ago. This individual had **no prior criminal record and has had no criminal involvement since release**, yet still faces severe collateral consequences, including barriers to veterans housing, solely because of a non-unanimous conviction.

In this case, the veteran also lives with combat-related PTSD. The combination of trauma from military service and the trauma of feeling wrongly convicted has been a real barrier to navigating the legal system and meeting complex post-conviction deadlines. This is not unusual: people most harmed by the non-unanimous jury rule are often the least equipped—because of poverty, disability, and trauma—to track changing legal standards and rapidly evolving filing windows.

The -1 amendment helps in three key ways:

- It provides a window to file post-conviction petitions specifically for non-unanimous jury convictions.
- It requires objective proof from the existing record (such as a verdict form, jury poll, recording, or transcript), preventing frivolous claims.
- It removes certain procedural barriers that would otherwise permanently block relief for people who clearly have 10–2 verdicts on the record but missed the prior deadline for reasons tied to disability, trauma, or lack of legal assistance.

This amendment would allow people in situations like the veteran described above to apply for relief. I am, however, concerned that many similarly situated individuals may still be unaware of this new, limited window. I urge the Legislature and the Department of Justice to pair this amendment with robust outreach to individuals who may have non-unanimous convictions documented in their records, so that the communities most harmed by the old rule are meaningfully able to use the remedy this amendment would create.

I respectfully urge you to pass HB 4041 **with the -1 amendment** and to ensure adequate notice so that those eligible actually have a fair opportunity to seek relief.

Thank you for your consideration. Steve Bella.