

**Testimony of Winnie Ye, Innocence Project  
Oregon House Committee on Rules  
In Support of Senate Bill 1515 A  
March 2, 2026**

Chair Bowman, Vice Chair Elmer, and Members of the Committee:

My name is Winnie Ye and I am a State Policy Advocate at the Innocence Project. The Innocence Project is a national litigation and public policy organization that works to free the innocent and advance policies to prevent, reveal, and address wrongful convictions. Today, alongside our partners at Forensic Justice Project and Oregon Innocence Project, we are expressing support for Senate Bill 1515 A which aims to deliver justice to the wrongfully convicted.

This bill would improve the state's exoneree compensation law so eligible Oregonians no longer face lengthy and onerous processes to receive the compensation afforded them under the statute. SB 1515 A would also give innocent Oregonians an opportunity to challenge their wrongful convictions if their case involved a narrow list of discredited disciplines: hair microscopy, bite mark analysis and comparison, and comparative bullet lead analysis.

**I. SB 1515 A's addresses gaps in Oregon's exoneree compensation statute**

In 2022, Oregon took bold action when it enacted the Justice for Exonerees Act, becoming the 37<sup>th</sup> state in the country to compensate wrongfully convicted individuals. At the time, the legislation included the core components of model compensation laws but unfortunately, the law has not been implemented as intended and only a handful of exonerees received compensation through settlements and there has been a substantial back and forth of litigation which has caused additional harm and trauma to Oregon exonerees.

SB 1515 A would clarify the intent of the Oregon Justice for Exonerees Act and ensure that innocent Oregonians can receive compensation without further delay. It would bring Oregon closer to the original spirit of the law and other jurisdictions like Idaho and Virginia where we see the State working alongside exonerees to resolve claims swiftly and address the harms of wrongful convictions. When someone has been wrongfully convicted of a crime they did not commit, the state has an obligation to correct and address the wrongful conviction and this bill brings Oregon closer to meeting that obligation.

## II. SB 1515 A's provides a narrow legal pathway for post-conviction relief

**False or misleading forensic evidence is the second leading cause of wrongful convictions in the nation.**<sup>1</sup> As forensic science advances and specific disciplines are more extensively studied and tested, some forensic disciplines that were once widely accepted and used to secure earlier convictions have come under increased scrutiny and in some cases have been completely invalidated. This includes discredited methods such as:

- **Hair microscopy:** A 2009 National Academy of Sciences (NAS) report stated that microscopic hair comparisons could not be used to match hair with a specific individual.<sup>2</sup> In 2015, the FBI announced that its hair microscopy experts made erroneous statements in describing the probability of a match between hair evidence and the defendant's hair in at least 90 percent of the cases it had reviewed.
- **Bite mark analysis and comparison:** The 2009 NAS Report also found that bite mark analysis lacks scientific validity because its foundational assumptions are unsupported by evidence. Subsequent reviews, including the 2016 report by the President's Council on Advisors on Science and Technology (PCAST) and the 2023 National Institute of Standards and Technology (NIST) report, confirmed these concerns, finding that bite marks are not demonstrably unique, are not reliably transferred to human skin, and cannot be consistently interpreted to include or exclude individuals as the source.<sup>3 4</sup>
- **Comparative bullet lead analysis (CBLA):** CBLA was believed to be able to match a specific bullet at a crime scene to specific bullets in possession of a defendant, based on the assumption that the lead composition in a bullet was unique to its batch. The National Academy of Sciences found this assumption was unsupported and concluded that CBLA could not reliably support source attribution, prompting the FBI to discontinue its use in 2005.<sup>5</sup>

It can take years – often decades – for shifts in scientific understanding to emerge. Unfortunately, in that time frame, these discredited methods were used to secure hundreds of convictions. Today, individuals whose conviction relied on discredited science are typically procedurally barred and unable to challenge their conviction. **As a result, innocent people remain wrongfully incarcerated even though their conviction no longer has integrity.**

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<sup>1</sup> National Registry of Exonerations, <https://exonerationregistry.org>.

<sup>2</sup> National Research Council. 2009. Strengthening Forensic Science in the United States: A Path Forward. Washington, DC: The National Academies Press.

<sup>3</sup> President's Council on Advisors on Science and Technology (2016) Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods. [https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/PCAST/pcast\\_forensic\\_science\\_report\\_final.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/PCAST/pcast_forensic_science_report_final.pdf)

<sup>4</sup> Sauerwein K, Butler JM, Reczek KK, Reed C (2023) Bitemark Analysis: A NIST Scientific Foundation Review. (National Institute of Standards and Technology, Gaithersburg, MD), NIST Interagency Report (IR) NIST IR 8352. <https://doi.org/10.6028/NIST.IR.8352>

<sup>5</sup> National Research Council. 2004. Forensic Analysis: Weighing Bullet Lead Evidence. Washington, DC: The National Academies Press.

Recognizing the need to correct this injustice, states have started to consider and enact post-conviction mechanisms that allow the wrongfully convicted to return to court to prove their innocence if their case involved false or misleading forensic evidence. Today, seven states – California, Connecticut, Michigan, Nevada, Texas, West Virginia, and Wyoming – have such mechanisms.<sup>6</sup> Additionally organizations like the American Legislative Exchange Council have also published model legislation on this matter.

**In Oregon, where false or misleading forensic evidence is a contributing factor in 42% of known exonerations, compared to 29% nationally, SB 1515 A aims to provide wrongfully convicted Oregonians with a viable path they currently do not have.**

### **III. The potential fiscal impact of SB 1515 A**

While SB 1515 A is much more narrowly tailored and limited to only three discredited disciplines – hair microscopy, bite mark analysis and comparison, and CBLA – as defined by the FBI and National Institute of Standards and Technology, respectively, there can be lessons learned from the other states about any potential policy or fiscal impacts.

In 2013, Texas, the state with the highest prison population, passed the first law in the nation, broadly allowing people to challenge their convictions based on new or discredited scientific evidence. In the first 10 years the statute was in effect, 74 applications were filed and ruled on by the Court of Criminal Appeals.<sup>7</sup> Notably, Texas along with the other five states that enacted legislation did not appropriate any funding to address any projected fiscal impact before or after the legislation took effect.

### **IV. The current draft of SB 1515 A**

This bill is the product of many conversations with key stakeholders in Oregon over the past three legislative sessions and has been thoroughly vetted. The current draft also addresses the latest concerns raised by stakeholders like the Oregon Department of Justice, Oregon Judicial Department, and the Oregon District Attorneys Association (ODAA).

Importantly, I want to be clear that SB 1515 A does not hinder testimony by non-experts or lay persons and **does not** change the rules of evidence of what can and cannot be admitted as testimony at trial. SB 1515 A is about ensuring that individuals, who were convicted based on

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<sup>6</sup> Cal Pen Code § 1473(b), Conn. Gen. Stat. § 52-582(b)(1), Nev. Rev. Stat. Ann. § 34.930, Tex. Code Crim. Proc. Art. 11.073, W. Va. Code § 53-4A-1, Wyo. Stat. § 7-12-402 et. seq.

<sup>7</sup> Texas Defender Service, *An Unfulfilled Promise: Assessing the Efficacy of Article 11.073*, <https://www.texasdefender.org/wp-content/uploads/2024/07/TDS-11.073-Report.pdf>

false or misleading expert testimony about discredited scientific methods that have been abandoned by the scientific community, have a pathway to *apply* for post conviction relief. The court would then determine if the conviction was based substantially on that testimony and if the outcome would have been different if that testimony was not admitted, or if other "corroborating" evidence would have still resulted in the same outcome. Therefore, the newly proposed Amendment-5 is unnecessary and can actually be confusing to the court.

Additionally, after the bill was heard in the Senate Judiciary Committee, a new amendment was adopted which included a sunset provision which would repeal SB 1515 A after a period of five years. **It's important to note that none of the seven states that allow innocent people to return to court if their wrongful conviction was based on misapplied forensic science have sunset provisions.** This is because our scientific understanding is always changing – as noted earlier, it can take years for advances in science to occur. Imposing a deadline for when an individual can challenge their wrongful conviction based on discredited forensic evidence is not ideal especially when it can take years for them to complete their appeals before they qualify to petition for post-conviction relief under SB 1515 A. However, a five-year sunset should be the minimum timeframe if a sunset provision is being considered.

## **V. Conclusion**

SB 1515 A is about creating a framework so wrongfully convicted Oregonians, whose cases involved the three discredited methods, can return to court and petition for relief. No person will be released from prison the day this bill takes effect. **This legislation creates a fair and narrowly tailored process in the courts that ensures that despite the passage of time, convictions that are found to have been based on scientific evidence that is later discredited can be overturned and justice can prevail.** The integrity of our criminal justice system depends on accurate and reliable information and SB 1515 A would ensure that our criminal legal system is responsive and accounts for these changes.

We urge the committee to report Senate Bill 11515 A favorably.

Thank you for your time.

**Winnie Ye**

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